IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants   : William K. Slate II et al.

Application No. : 09/990,402   Confirmation No.: 3669

Filed   : November 21, 2001

For   : ELECTRONIC SYSTEMS AND METHODS FOR
                   DISPUTE MANAGEMENT

Art Unit   : 3621

Examiner   : Evens J. Augustin

                              New York, New York 10036
                              July 16, 2010

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Sir:

        This Appeal Brief is submitted in response to the
Non-Final Office Action mailed on December 16, 2009 and
follows a Notice of Appeal filed on March 16, 2010.

        Appellants previously filed a Notice of Appeal
accompanied by a Pre-Appeal Brief Request for Review on
February 9, 2009, in response to a Final Office Action
mailed on August 7, 2008. A Notice of Panel Decision from
Pre-Appeal Brief Review was mailed on March 19, 2009.
Appellants subsequently filed a Request for Continued
Examination and a Reply to Final Office Action on
September 21, 2009. The December 16, 2009 Non-Final Office
Action maintains the rejections of the August 7, 2008 Final

Office Action, despite the arguments presented in the September 21, 2009 Reply to Final Office Action.

The fees required under § 41.20(b)(2), as well as extension of time fees, are provided for in the accompanying Transmittal for Appeal Brief. The Director is hereby authorized to charge any other fees that may be due, or credit any overpayment of the same, to Deposit Account No. 06-1075.

In view of the arguments and authorities set forth below, the Board should find the rejections of claims 1, 2, 4-30, 32-44, 60, 61, 63-89, 91-103, 119, 120, 122-148, and 150-162 to be in error, and should reverse the rejections.

This brief contains items under the following headings as required by 37 CFR § 41.37 and MPEP § 1205.2:

(i.)	Real Party In Interest
(ii.)	Related Appeals and Interferences
(iii.)	Status of Claims
(iv.)	Status of Amendments
(v.)	Summary of Claimed Subject Matter
(vi.)	Grounds of Rejection to be Reviewed on Appeal
(vii.)	Argument
(viii.)	Claims Appendix
(ix.)	Evidence Appendix
(x.)	Related Proceedings Appendix

(i.) <u>Real Party in Interest</u>

Appellants respectfully advise the Board that the real party in interest in the above-identified patent

application is American Arbitration Association, a not-for-profit organization organized and existing under the laws of the State of New York, and having an office and place of business at 335 Madison Avenue, New York, NY 10017, which is the assignee of the entire interest in this application.

(ii.) Related Appeals and Interferences

Appellants advise the Board that there are no other appeals or interferences known to appellants, appellants' legal representative or appellants' assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii.)   Status of Claims

Claims 1-177 were originally pending in this application. On July 14, 2006, the application was subject to a Restriction Requirement requiring election between two groups of claims. On September 14, 2006, Appellants elected the first invention, including claims 1-44, 60-103, and 119-162, for examination. Claims 45-51, 53-59, 104-110, 112-118, 163-169, and 171-177 are withdrawn from consideration but not cancelled. Claims 3, 31, 52, 62, 90, 111, 121, 149, and 170 have been cancelled.

Claims 1, 2, 4-30, 32-44, 60, 61, 63-89, 91-103, 119, 120, 122-148, and 150-162 stand rejected in this application and are on appeal.

(iv.) Status of Amendments

All prior amendments have been entered. Appellants have not submitted any amendment pursuant to 37 CFR § 1.116 or in reply to the December 16, 2009 Non-

Final Office Action (hereinafter "Non-Final Office
Action"), from which this appeal is being sought.

(v.) Summary of Claimed Subject Matter

        Appellants' independent claims 1, 60, and 119 are
directed toward a method and systems "for dispute
management using a dispute management application." In
accordance with the claims, there are at least four
different types of users that access the dispute management
application from their respective computers: a user that
files a claim, a party against whom the user files the
claim, a case manager user, and a neutral. The case
manager is assigned "to manage the dispute management
process [...] in response to [the user filing the claim]."
Managing the dispute management process includes "guiding
the user and [the party] through the dispute resolution
process." The case manager user is notified of the
assignment and is provided with a "plurality of dispute
management features," including the ability "to select a
neutral." The selected neutral is allowed "to facilitate
the dispute resolution process between the user and [the
party]."

        Support in the originally-filed specification for
claims 1, 60, and 119 is found at least in the locations
indicated in the following table:

Claim 1	The Specification
A method for dispute management using a dispute management application comprising:	Par. 10
receiving an indication from a user to file a claim against at least one party using a	FIGs. 5-7, 47-52, 60-69 Pars. 74-85, 187, 217-226, 235-247

first computer, wherein the claim comprises a request for a dispute management process between the user and the at least one party;	
providing the user with a first plurality of dispute management features at the first computer in response to receiving the indication at the first computer;	FIGs. 8, 47-52, 60-104, 112-128, 193-203 Pars. 75, 287, 358-361
assigning a case manager, who is a user other than the user or the at least one party, to manage the dispute management process using a second computer in response to receiving the indication at the first computer,	Pars. 60, 65-69, 80, 123, 187, 287
wherein managing the dispute management process comprises guiding the user and the at least one party through the dispute resolution process;	Pars. 13, 115
notifying the case manager of the assignment at the second computer;	Pars. 133, 178
providing the case manager with a second plurality of dispute management features at the second computer,	Pars. 75, 111
wherein the second plurality of features comprises allowing the case manager to select a neutral;	FIG. 14D Pars. 111, 118, 124, 307, 362
receiving the selection of the neutral from the case manager at the second computer; and	Pars. 10, 205, 363
allowing the selected neutral to facilitate the dispute resolution process between the user and the at least one party using a third computer.	Pars. 10, 60, 65-69, 80, 103, 105, 137, 187, 205, 207, 321

Claim 60	The Specification
A system for dispute management using a dispute management application comprising:	Par. 10
means for receiving an indication from a user to file a claim against at least one party using a first computer,* wherein the claim comprises a request for a dispute management process between the user and the at least one party;	FIGs. 1-3, 5-7, 47-52, 60-68 Pars. 58-70, 74-85, 187, 217-226, 235-247
means for providing the user with a first plurality of dispute management features at the first computer in response to receiving the indication at the first computer;*	FIGs. 1-3, 8, 47-52, 60-104, 112-128, 193-203 Pars. 58-70, 75, 80, 187, 287, 358-361
means for assigning a case manager, who is a user other than the user or the at least one party, to manage the dispute management process using a second computer in response to receiving the indication at the first computer,*	FIGs. 1-3 Pars. 58-70, 80, 123, 187, 287
wherein managing the dispute management process comprises means for guiding the user and the at least one party through the dispute resolution process;*	Pars. 13, 115
means for notifying the case manager of the assignment at the second computer;*	FIGs. 1-3 Pars. 58-70, 80, 133, 178, 187

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* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c)(1)(v).

means for providing the case manager with a second plurality of dispute management features at the second computer,*	FIGs. 1-3 Pars. 58-70, 75, 80, 111, 187
wherein the second plurality of features comprises means for allowing the case manager to select a neutral;*	FIG. 14D Pars. 111, 118, 124, 307, 362
means for receiving the selection of the neutral from the case manager at the second computer; and*	FIGs. 1-3 Pars. 10, 58-70, 80, 187 205, 363
means for allowing the selected neutral to facilitate the dispute resolution process between the user and the at least one party using a third computer.*	FIGs. 1-3 Pars. 10, 58-70, 80, 103, 105, 137, 187, 205, 207, 321
Claim 119	**The Specification**
A system for dispute management using a dispute management application comprising:	Par. 10
a user input device;	FIG. 3, Par. 67
a display device; and	FIG. 3, Par. 67
a dispute management application implemented at least partially on control circuitry and programmed to:	FIG. 3, Par. 67
receive an indication from a user to file a claim against at least one party using a first computer, wherein the claim comprises a request for a dispute management process between the user and the at least one party;	FIGs. 5-7, 47-52, 60-69 Pars. 74-85, 187, 217-226, 235-247

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* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c)(1)(v).

provide the user with a first plurality of dispute management features at the first computer in response to receiving the indication at the first computer;	FIGs. 8, 47-52, 60-104, 112-128, 193-203 Pars. 75, 287, 358-361
assign a case manager, who is a user other than the user or the at least one party, to manage the dispute management process using a second computer in response to receiving the indication at the first computer,	Pars. 60, 65-69, 80, 123, 187, 287
wherein managing the dispute management process comprises guiding the user and the at least one party through the dispute resolution process;	Pars. 13, 115
notify the case manager of the assignment at the second computer;	Pars. 133, 178
provide the case manager with a second plurality of dispute management features at the second computer,	Pars. 75, 111
wherein the second plurality of features comprises allowing the case manager to select a neutral ;	FIG. 14D Pars. 111, 118, 124, 307, 362
receive the selection of the neutral from the case manager at the second computer; and	Pars. 10, 205, 363
allowing the selected neutral to facilitate the dispute resolution process between the user and the at least one party using a third computer.	Pars. 10, 60, 65-69, 80, 103, 105, 137, 187, 205, 207, 321

Appellants' independent claims 29, 88, and 147 are directed toward a method and systems "for providing dispute management features in a dispute management application." A user is provided "with access to a case filing application in response to [an indication from the

user to file a claim against an adverse party]." A case
manager is assigned "to manage the case [...] in response
to receiving a completed case filing application." The
Case Manager "indicates a dispute management feature for a
dispute management application" and, in turn, that feature
is provided to the user. For example, after a claim is
filed, the assigned Case Manager may select an arbitrator
for an arbitration service as the dispute management
feature, which is then provided to the user.

Support in the originally-filed specification for
claims 29, 68, and 147 is found at least in the locations
indicated in the following table:

Claim 29	The Specification
A method for providing dispute management features in a dispute management application comprising:	Par. 10
receiving an indication at a first computer from a user at a second computer to file a claim against at least one adverse party;	FIGs. 5-7, 47-52, 60-69 Pars. 74-85, 187, 217-226, 235-247
providing the user at the second computer with access to a case filing application in response to receiving the indication;	FIGs. 8, 47-52, 60-104, 112-128, 193-203 Pars. 75, 287, 358-361
assigning a case manager, who is a user other than the user and the at least one adverse party, to manage the case using a third computer in response to receiving a completed case filing application at the first computer;	Pars. 60, 65-69, 80, 123, 187, 287

receiving an indication at the first computer from the case manger at the third computer, wherein the indication indicates a dispute management feature for a dispute management application; and	Pars. 103-105
providing the dispute management feature to the user using the first computer with the dispute management application in response to receiving the indication.	Pars. 103-105
Claim 88	**The Specification**
A system for providing dispute management features in a dispute management application comprising:	Par. 10
means for receiving an indication at a first computer from a user at a second computer to file a claim against at least one adverse party;[*]	FIGs. 1-3, 5-7, 47-52, 60-69 Pars. 58-70, 74-85, 187, 217-226, 235-247
means for providing the user at the second computer with access to a case filing application in response to receiving the indication;[*]	FIGs. 1-3, 8, 47-52, 60-104, 112-128, 193-203 Pars. 58-70, 75, 80, 187, 287, 358-361
means for assigning a case manager, who is a user other than the user and the at least one adverse party, to manage the case using a third computer in response to receiving a completed case filing application at the first computer;[*]	FIGs. 1-3 Pars. 58-70, 80, 123, 187, 287

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[*] Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c)(1)(v).

means for receiving an indication at the first computer from the case manger at the third computer, wherein the indication indicates a dispute management feature for a dispute management application; and*	FIGs. 1-3 Pars. 58-70, 80, 103-105, 187
means for providing the dispute management feature to the user using the first computer with the dispute management application in response to receiving the indication.*	FIGs. 1-3 Pars. 58-70, 80, 103-105, 187
Claim 147	**The Specification**
A system for providing dispute management features in a dispute management application comprising:	Par. 10
a user input device;	FIG. 3, Par. 67
a display device; and	FIG. 3, Par. 67
a dispute management application implemented at least partially on control circuitry and programmed to:	FIG. 3, Par. 67
receive an indication at a first computer from a user at a second computer to file a claim against at least one adverse party;	FIGs. 5-7, 47-52, 60-69 Pars. 74-85, 187, 217-226, 235-247
provide the user at the second computer with access to a case filing application in response to receiving the indication;	FIGs. 8, 47-52, 60-104, 112-128, 193-203 Pars. 75, 287, 358-361
assign a case manager, who is a user other than the user and the at least one adverse party, to manage the case using a third computer in response to receiving a completed case filing	Pars. 60, 65-69, 80, 123, 187, 287

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* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c)(1)(v).

application at the first computer;	
receive an indication at the first computer from the case manger at the third computer, wherein the indication indicates a dispute management feature for a dispute management application; and	Pars. 103-105
provide the dispute management feature to the user using the first computer with the dispute management application in response to receiving the indication.	Pars. 103-105

Appellants' dependent claims 13, 72, and 131 are directed towards the feature of "receiving an indication from the user [...] that indicates the desirability of a neutral from a plurality of neutrals using an on-line calendar." Dependent claims 14, 73, and 132 additionally include the feature of "indicating the desirability of the neutral based at least in part on the availabilities of the plurality of neutrals." Support for claims 13, 14, 72, 73, 131, and 132 may be found, for example, in pars. 12, 16, 105, 132, 147-149, and 303 of the originally-filed specification.

(vi.) Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are to be reviewed on this appeal:

A. Whether claims 1, 2, 4-12, 15-28, 60, 61, 63-71, 74-87, 119, 120, 122-130, and 133-146 are unpatentable under 35 U.S.C. § 103(a) over Israel et al. U.S. Patent No. 6,766,307 (hereinafter "Israel") in view of Landry U.S. Patent Publication No. 2003/0014265 (hereinafter "Landry").

B. Whether claims 29, 30, 32-44, 88, 89, 91-103, 147, 148, and 150-162 are unpatentable under 35 U.S.C. § 103(a) over Israel in view of Landry.

C. Whether claims 13, 14, 72, 73, 131, and 132 are unpatentable under 35 U.S.C. § 103(a) over Israel in view of Landry and in further view of Murray et al. U.S. Patent No. 5,023,851 (hereinafter "Murray").

(vii.)   <u>Argument</u>

A.   The rejection of claims 1, 2, 4-12, 15-28, 60, 61, 63-71, 74-87, 119, 120, 122-130, and 133-146 under 35 U.S.C. <u>§ 103(a) over Israel in view of Landry</u>

In the Non-Final Office Action mailed on December 16, 2009 ("Non-Final Office Action"), the Examiner rejected independent claims 1, 60, and 119 under 35 U.S.C. § 103(a) as being unpatentable over Israel in view of Landry. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

To make out a *prima facie* case of obviousness, the cited references must teach or suggest all the claim limitations of the rejected claim. MPEP § 2143. The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Examiner. <u>In re Oetiker</u>, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the conclusion of obviousness. <u>In re Warner</u>, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by <u>Graham v. John Deere Co.</u>, 86 S.Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner

is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

Appellants' independent claims 1, 60, and 119 are directed toward a method and systems "for dispute management using a dispute management application." In accordance with the claims, there are at least four different types of users that access the dispute management application: a "user" who files a claim, a "party" against whom the user files the claim, a "case manager" user, and a "neutral." The case manager is assigned "to manage the dispute management process [...] in response to [the user filing the claim]." Managing the dispute management process includes "guiding the user and [the party] through the dispute resolution process." The case manager user is notified of the assignment and is provided with a "plurality of dispute management features," including the ability "to select a neutral." The selected neutral is allowed "to facilitate the dispute resolution process between the user and [the party]."

Appellants' claimed approach offers the advantages of a dispute management application with the added benefit of a case manager to guide the disputing parties through the dispute resolution process. As opposed to conventional dispute management, which traditionally involves only the two disputing parties and a neutral (e.g., an arbitrator or mediator), appellants' claims provide a fourth party - a case manager - for guiding users through the dispute resolution process. This is particularly desirable in modern systems which provide

automated dispute resolution features. For example, in
contrast to systems that provide automatic selection of
neutrals, appellants' dispute resolution application allows
the case manager to assist the disputing parties in
selecting a neutral for the particular dispute. This may
be especially helpful when the selection of a neutral is a
contentious process requiring guidance from the case
manager. Thus, the claimed dispute resolution application,
with its support and provisions for a case manager user who
guides opposing parties through a dispute resolution
process involving a neutral, provides a flexible,
personalized, and desirable tool for effective dispute
resolution.

          As will be argued in detail below, Israel and
Landry both describe conventional dispute resolution
systems. In particular, neither refers to a case manager
user who guides users through the dispute resolution
process, as in appellants' claims. At best, Israel and
Landry refer to a traditional three-party dispute
resolution process, wherein some dispute resolution
features are automated. However, neither Israel, Landry,
nor the combination of the two shows or suggests the full-
featured dispute resolution application of appellants'
claims. In particular, the combination of Israel and
Landry does not show or suggest at least the features of
"assigning a case manager [...] to manage the dispute
management process," "notifying the case manager of the
assignment," and "allowing the case manager to select a
neutral," as recited by appellants' independent claims 1,
60, and 119.

<u>The Israel Reference</u>

Israel refers to a non-judicial dispute resolution management system. Israel's system has three types of users: program users, program managers, and administrative personnel. Program managers and program users are both individuals at a company who are responsible for maintaining accounts with and managing disputes using the dispute resolution management system on behalf of the company (i.e., both the program managers and the program users represent one party to a dispute, namely, the company). *See* Israel, col. 11, ll. 40-50. In a dispute, each party to the dispute will have its own program user(s) and program manager(s). *See* Israel, col. 18, ll. 30-37. Moreover, a program manager may manage a program user or may be the same individual as the program user. *See* Israel, col. 11, ll. 50-58. Administrative personnel administer the dispute resolution management system, but are not substantively involved in the dispute resolution process. For example, the administrative personnel inform users as to the status of a dispute, generate dispute lists and activity reports, provide billing information, and generate audit reports "to ensure that the system is functioning properly." *See* Israel, col. 3, ll. 35-50.

       1.   Israel Does Not Show Or Suggest a
             Case Manager User as Recited by
             <u>Independent Claims 1, 60, and 119</u>

Appellants respectfully submit that Israel does not show or suggest a case manager user having all of the features recited by independent claims 1, 60, and 119. In particular, Israel does not show or suggest a case manager user who (a) is assigned to manage a dispute in response to an indication from a user to file a claim against a party, (b) is notified of the assignment to manage the dispute,

and (c) selects a neutral to facilitate dispute resolution between the user and the party.

The Examiner contends that Israel's program manager shows many of the features of appellants' case manager. More specifically, the Examiner cites a portion of Israel that refers to a system with a program manager access level, which provides selectable actions including:

> adding users, modifying existing user data, transferring active cases from one user to another, activating users, modifying account registration data, browsing all disputes, generating detailed dispute reports, generating summary reports of disputes, browsing dispute resolution cases, as well as other actions which are used by a manager of non-judicial dispute resolutions, and any combination of one or more of the forgoing. (Israel, col. 3, ll. 13-22)

The Examiner argues that the program manager, with his access to these selectable actions, is equivalent to the case manager of appellants' claims. In addition, the Examiner alleges that Israel's program manager manages the dispute management process, as required by appellants' claims, through a management module that transmits notices and other information to each of the disputing parties. *See* Israel, col. 10, ll. 13-20 and col. 12, ll. 7-15.

In contrast to the Examiner's contentions, however, Israel's program manager is not the same as or similar to appellants' case manager. While the Examiner's citations of Israel refer to a program manager that can, for example, access a system to add users and generate reports related to a dispute, nothing in Israel suggests the program manager does anything more than perform administrative duties on behalf of a single party (i.e., the company). Appellants' independent claims 1, 60,

and 119, on the other hand, recite a case manager that guides opposing parties (i.e., the user and the adverse party) through the dispute resolution process.

First, Israel's program managers are not assigned "to manage the dispute management process [...] in response to receiving [an] indication [from a user to file a claim against a party]," as recited in appellants' independent claims. On the contrary, Israel's program managers "are typically the persons who submit disputes and the data related thereto into the system." *See* Israel, col. 15, ll. 62-63. In fact, no other user associated with a given account can so much as begin to enter disputes into the system before being given access to the system by the program manager for that account. *See* Israel, col. 12, ll. 24-26. As such, it would be impossible for Israel's program managers to be assigned to manage a dispute management process in response to receiving an indication from a user to file a claim against at least one party, as required by appellants' independent claims 1, 60, and 119. Instead, Israel's program managers must already be involved with the dispute by the time other users have access to the system.

To be sure, a program manager in Israel cannot be the claimed case manager given that, in Israel, a program manager represents the same party as the program user (i.e., they are the same individual and are from the same company). *See* Israel, col. 11, ll. 40-53. Moreover, each party to a dispute has its own program manager. *See* Israel, col. 18, ll. 30-37. As such, Israel's program manager cannot perform the role of appellants' case manager to guide adverse parties of a dispute through the dispute

resolution process, since the program manager is one of the adverse parties himself.

Second, Israel does not show or suggest "notifying the case manager of the assignment [of the case manager]," as recited by independent claims 1, 60, and 119. The Examiner contends that Israel shows this feature and, as support, cites Israel's discussion of transferring disputes between program users. *See* Non-Final Office Action, page 4. In particular, the Examiner cites Israel to show that a program manager "will be notified that the dispute(s) have been successfully transferred from one Program User to another." *See* Israel, col. 13, ll. 23-25.

In contrast to the Examiner's contention, however, notifying a program manager of a successful dispute transference is not the same as or similar to appellants' claimed feature of notifying a case manager of his assignment to manage a dispute management process in response to the user filing a claim. Instead, Israel's notification is merely a confirmation that the program manager's requested operation of transferring a dispute from one user to another has been completed. In fact, Israel's notification cannot be the same as the claimed notification feature since notifying a case manager of his assignment to a dispute must naturally occur before the case manager takes any action particular to the dispute, such as transferring disputes among users. Thus, nothing in Israel shows or suggests the program manager is notified of his assignment to a particular dispute in response to a user filing the dispute, as required by appellants' independent claims 1, 60, and 119.

Third, Israel's program managers cannot "select a neutral" in order to allow the selected neutral "to

facilitate the dispute resolution process between the user and [the party]," as recited in independent claims 1, 60, and 119. In fact, the Examiner concedes that "Israel did not explicitly teach a system in which another user provides guidance/management or support to a dispute resolution system." *See* Non-Final Office Action, page 7. However, the Examiner asserts that Landry makes up for this deficiency.

Thus, in view of the foregoing, Appellants respectfully submit that Israel does not show or suggest the claimed case manager who (a) is assigned to manage a dispute in response to an indication from a user to file a claim against a party, (b) is notified of the assignment to manage the dispute, and (c) selects a neutral to facilitate dispute resolution between the user and the party, as required by appellants' independent claims 1, 60, and 119.

The Landry Reference

Landry refers to an online dispute resolution system that has three types of users: the disputing parties (consumers and merchants), neutrals (arbitrators and mediators), and an system clerk. The system clerk is an administrative user that administers the system and monitors the system processes. *See* Landry, par. 30.

> 2. Landry Does Not Show Or Suggest a
>   Case Manager User as Recited by
>   Independent Claims 1, 60, and 119

Appellants respectfully submit that Landry does not show or suggest a case manager user having all of the features recited by independent claims 1, 60, and 119. In particular, Landry also does not show or suggest a case manager who (a) is assigned to manage a dispute in response to an indication from a user to file a claim against a

party, (b) is notified of the assignment to manage the dispute, and (c) selects a neutral to facilitate dispute resolution between the user and the party.

First, Landry does not show or suggest a case manager that is assigned "to manage the dispute management process [...] in response to receiving [an] indication [from a user to file a claim against a party]," as required by independent claims 1, 60, and 119. The Examiner asserts that Landry's system clerk is equivalent to appellants' case manager. However, Landry's system clerk cannot be the case manager since it is not assigned "to manage the dispute management process," as required by appellants' independent claims. In fact, Landry's system clerk cannot be assigned to manage the dispute management process since Landry's system clerk is prevented from accessing the particular dispute resolution services (element 102 of FIG. 2A) within which dispute resolution takes place. More specifically, Landry's system clerk "accesses all of the ODR System services (except the ODR services 102) for purposes of globally maintaining and monitoring the ODR System." *See* Landry, par. 30 and FIG. 2A. In other words, Landry's system clerk is <u>specifically prohibited</u> from accessing the dispute resolution services, including Landry's two major dispute resolution subsystems. *See* Landry, par. 31. Instead, Landry's system clerk is limited to performing only administrative services for "<u>globally maintaining</u>" the ODR system.

Accordingly, Landry's system clerk cannot manage the dispute management process, as required by independent claims 1, 60, and 119. Furthermore, even assuming, *arguendo*, that Landry's system clerk could manage the dispute management process, nothing in Landry shows or

suggests that the system clerk is _assigned_ to manage the dispute management process, nor does anything in Landry show or suggest that an assignment is made in response to an _indication_ from the user to file a claim against the adverse party, as required by independent claims 1, 60, and 119.

 Second, Landry does not show or suggest "notifying a case manager of the assignment [of the case manager]," as recited by independent claims 1, 60, and 119. Indeed, since Landry's system clerk is not assigned to a particular dispute, as argued above, but rather merely performs administrative duties on a "global" level, the system clerk would not receive such a notification.

 Third, Landry does not show or suggest allowing an assigned case manager "to select a neutral" and "allowing the selected neutral to facilitate the dispute resolution process between the user and [the party]," as recited in appellants' independent claims 1, 60, and 119. The Examiner cites a portion of Landry that refers to a system clerk that accepts the registration of mediators and arbitrators into an online dispute resolution ("ODR") system. _See_ Landry, par. 30. The Examiner argues that the system clerk "makes a decision on accepting mediators and arbitrators (neutrals) into the system and enrolling these entities into the system" and that, consequently, the system clerk "is very much involved in the selection process of neutrals into the system." _See_ the August 7, 2008 Final Office Action, page 11. As such, the Examiner alleges that the system clerk of Landry shows the claimed feature of "allowing the case manager to select a neutral" and "allowing the selected neutral to facilitate the dispute resolution process between the user and [the

adverse party]," as recited in appellants' independent claims 1, 60, and 119.

While the Examiner is correct that Landry discusses a system clerk that accepts the registration of mediators and arbitrators into an ODR system, nothing in Landry suggests the system clerk selects a neutral for a particular dispute. Enrolling or selecting neutrals into an ODR system is not the same as selecting a neutral to facilitate dispute resolution between a user and another party. On the contrary, in Landry, the actual selection of mediators for a particular case is performed <u>automatically</u> by the ODR system program and not by the system clerk. *See* Landry, pars. 61 and 62. Accordingly, Landry's clerk does not select a neutral for facilitating the dispute resolution process between the user and the party, as specified by appellants' claims.

> 3. The Combination of Israel and
>   Landry Does Not Show Or Suggest
>   a Case Manager User as Recited by
>   <u>Independent Claims 1, 60, and 119</u>

For at least the reasons above, appellants respectfully submit that the combination of Israel and Landry fails to show or suggest a case manager user having all of the features recited by independent claims 1, 60, and 119. In particular, as described above, both Israel and Landry fail to show or suggest a case manager who (a) is assigned to manage a dispute in response to an indication from a user to file a claim against a party, (b) is notified of the assignment to manage the dispute, and (c) selects a neutral to facilitate dispute resolution between the user and the party. Therefore, the combination of Israel and Landry also fails to show or suggest a case

manager user having all of the features recited by
independent claims 1, 60, and 119.

At the least, the Examiner concedes that Israel
does not show or suggest a case manager that selects a
neutral to facilitate dispute resolution between the user
and the party. Instead, the Examiner relies on Landry to
show this feature of independent claims 1, 60, and 119. As
argued above, however, Landry does not make up for this
deficiency in Israel for at least the reason that the
assignments of neutrals to particular cases is done
automatically in Landry and not by a case manager.

In addition, appellants respectfully submit that
one of ordinary skill in the art cannot combine the program
manager of Israel with the system clerk of Landry to show
the features of the claimed case manager. As discussed
above, the program manager in Israel is a representative of
one of the parties to the dispute and may perform functions
such as submitting disputes and related information. On
the other hand, Landry's system clerk cannot be assigned to
manage the dispute management process since Landry's system
clerk is prevented from accessing the particular dispute
resolution services (element 102 of FIG. 2A) within which
dispute resolution takes place. *See* Landry, pars. 30-31
and FIG. 2A. As such, Israel's program manager and
Landry's system clerk cannot feasibly be combined to show a
single entity, such as appellants' case manager.

Moreover, even if Israel's program manager could
be combined with Landry's system clerk, the combination
would still not be equivalent to appellants' case manager
insofar as the claimed case manager is assigned to manage
the dispute management process by guiding the user and the
at least on party through the dispute resolution process.

Neither Israel's program manager, as a party to the dispute, nor Landry's system clerk, with his inability to access dispute resolution services, could manage the dispute management process by guiding the user and the at least on party through the dispute resolution process. Similarly, even if Landry's system clerk is assumed to select a neutral for a particular case - an assertion the appellants contest - Israel's program manager, as a party to the dispute, would not be allowed to select a neutral for the dispute resolution process. Accordingly, one of ordinary skill in the art would not and could not combine Israel and Landry to show all the features of appellants' independent claims 1, 60, and 119.

For at least the foregoing reasons, taken alone or in combination, neither Israel nor Landry shows or suggests a case manager user having all of the features recited by appellants' independent claims 1, 60, and 119.

4. Conclusion

Appellants respectfully submit that even if the combination of Israel and Landry were proper, this combination still does not show or suggest "assigning a case manager . . . to manage the dispute management process . . . in response to receiving the indication [from a user to file a claim against at least one party], wherein managing the dispute management process comprises guiding the user and the at least one party though the dispute resolution process . . . notifying the case manager of the assignment . . . [and] allowing the case manager to select a neutral," as recited by appellants' independent claims 1, 60, and 119.

Accordingly, because Israel and Landry, whether taken alone or in combination, fail to show or suggest all

of the features of appellants' independent claims 1, 60, and 119, the rejection under 35 U.S.C. § 103(a) is improper. Reversal of the rejection of claims 1, 60, and 119 is therefore respectfully requested. Appellants further submit that the board should also reverse the rejection of claims 2, 4-12, 15-28, 61, 63-71, 74-87, 120, 122-130, and 133-146 at least because these claims depend from independent claims 1, 60, and 119 respectively. *See* In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) at 1600.

  B. The rejection of claims 29, 30, 32-44, 88, 89, 91-103, 147, 148, and 150-162 under 35 U.S.C. § 103(a) over Israel in view of Landry

   In the Non-Final Office Action, the Examiner rejected independent claims 29, 88, and 147 under 35 U.S.C. § 103(a) as being unpatentable over Israel in view of Landry. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

    Appellants' independent claims 29, 88, and 147 are directed toward a method and systems "for providing dispute management features in a dispute management application." A user is provided "with access to a case filing application in response to [an indication from the user to file a claim against an adverse party]." A case manager is assigned "to manage the case [...] in response to receiving a completed case filing application." The Case Manager "indicates a dispute management feature for a dispute management application" and, in turn, that feature is provided to the user. For example, after a claim is filed, the assigned Case Manager may select an arbitrator for an arbitration service as the dispute management feature, which is then provided to the user.

Appellants respectfully submit that neither Israel nor Landry shows or suggests a case manager as recited by independent claims 29, 88, and 147. In particular, neither Israel nor Landry shows or suggests a case manager that is assigned to manage a case in response to receiving a completed case filing application, itself provided in response to a user filing a claim against an adverse party. As argued above with respect to independent claims 1, 60, and 119, it is incomprehensible for Israel's program manager to be assigned to a case in response to a user filing a claim against an adverse party since Israel's program managers must already be involved with the dispute by the time other users have access to the system. In fact, Israel's program managers "are typically the persons who submit disputes and the data related thereto into the system." *See* Israel, col. 15, ll. 62-63. In addition, Landry's system clerk cannot be assigned to a case in response to a user filing a claim against an adverse party since the system clerk of Landry is merely an administrative user and does not have access to substantive elements of the ODR processes.

For at least this reason, Israel and Landry, whether taken alone or in combination, fail to show or suggest a case manager that is assigned to manage a case in response to receiving a completed case filing application, itself provided in response to a user filing a claim against an adverse party, as recited by independent claims 29, 88 and 147.

Accordingly, because Israel and Landry, whether taken alone or in combination, fail to show or suggest all of the features of appellants' independent claims 29, 88, and 147, the rejection under 35 U.S.C. § 103(a) is

improper. Reversal of the rejection of claims 29, 88, and 147 is therefore respectfully requested. Appellants further submit that the board should also reverse the rejection of claims 30, 32-44, 89, 91-103, 148, and 150-162 at least because these claims depend from independent claims 29, 88, and 147 respectively.

C. The rejection of claims 13, 14, 72, 73, 131, and 132 under 35 U.S.C. § 103(a) over Israel and Landry in view of Murray

In the Non-Final Office Action, the Examiner rejected dependent claims 13, 14, 72, 73, 131, and 132 under 35 U.S.C. § 103(a) as being unpatentable over Israel in view of Landry in further view of Murray. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' dependent claims 13, 72, and 131 are directed towards the feature of "receiving an indication from the user [...] that indicates the desirability of a neutral from a plurality of neutrals using an on-line calendar." Dependent claims 14, 73, and 132 additionally include the feature of "indicating the desirability of the neutral based at least in part on the availabilities of the plurality of neutrals."

The Murray Reference

Murray discusses a method for assisting an operator to more readily determine the busy or free status of a specified time period using a calendar program. In particular, Murray discusses displaying a busy indicator adjacent each time slot in the calendar program that has been calendared with an event. See Murray, col. 9, ll. 5-35.

The Examiner alleges that "it would have been obvious for one of ordinary skill in the art at the time of the [appellants'] invention to construct a system that would utilize an on-line calendar for the availability of mediators/arbitrators [...] in order to minimize scheduling conflicts." *See* Non-Final Office Action, page 9. Appellants respectfully submit, however, that the combination of Israel, Landry, and Murray does not show or suggest all of the features of dependent claims 13, 14, 72, 73, 131, and 132 when considered together with the limitations of the respective independent claims from which they depend.

Firstly, appellants submit that the board should reverse the rejection of claims 13, 14, 72, 73, 131, and 132 at least because these claims depend from allowable independent claims 1, 60, and 119 respectively.

Secondly, appellants respectfully submit that the combination of Israel, Landry, and Murray does not show or suggest "receiving an indication from the user [...] that indicates the desirability of a neutral from a plurality of neutrals using an on-line calendar" and "allowing the case manager to select the neutral," as required by the dependent claims. In contrast to the Examiner's contention, this feature is much more than a simple combination of an on-line calendar within a dispute management application. Rather, appellants' claimed features provide the advantageous capability of allowing users to rate neutrals to facilitate the selection process by the case manager. This would be desirable, for example, in order to preserve the objective selection process of a neutral by the case manager while simultaneously ensuring user input is considered when a neutral is selected.

Furthermore, providing this rating capability within an on-line calendar allows the user or the case manager to consider the availabilities of the neutrals when making indications of desirability, thus streamlining the neutral selection process in an efficient and effective manner.

While Murray may refer to a calendar program that indicates busy and free time-slots, nothing in Murray, nor in Israel or Landry, shows or suggests "receiving an indication from the user [...] that indicates the desirability of a neutral from a plurality of neutrals using an on-line calendar" and "allowing the case manager to select the neutral." Accordingly, the rejection of dependent claims 13, 14, 72, 73, 131, and 132 under 35 U.S.C. § 103(a) is improper. Reversal of the rejection of dependent claims 13, 14, 72, 73, 131, and 132 is therefore respectfully requested.

D.   Conclusion

For at least the reasons set forth above, appellants submit that claims 1, 2, 4-30, 32-44, 60, 61, 63-89, 91-103, 119, 120, 122-148, and 150-162 are in condition for allowance. The Examiner's rejections of these claims should be reversed.

Respectfully submitted,

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CLAIMS 1, 2, 4-30, 32-44, 60, 61, 63-89, 91-103, 119, 120, 122-148, AND 150-162 ON APPEAL

1.   (Previously Presented) A method for dispute management using a dispute management application comprising:

receiving an indication from a user to file a claim against at least one party using a first computer, wherein the claim comprises a request for a dispute management process between the user and the at least one party;

providing the user with a first plurality of dispute management features at the first computer in response to receiving the indication at the first computer;

assigning a case manager, who is a user other than the user or the at least one party, to manage the dispute management process using a second computer in response to receiving the indication at the first computer, wherein managing the dispute management process comprises guiding the user and the at least one party through the dispute resolution process;

notifying the case manager of the assignment at the second computer;

providing the case manager with a second plurality of dispute management features at the second computer, wherein the second plurality of features comprises allowing the case manager to select a neutral;

receiving the selection of the neutral from the case manager at the second computer; and

allowing the selected neutral to facilitate the dispute resolution process between the user and the at least one party using a third computer.

2.   (Original) The method defined in claim 1 wherein the user is a claimant.

3.   (Cancelled)

4.   (Previously Presented) The method defined in claim 1 further comprising providing the user with access to a case filing application in response to receiving the indication from the user to file a claim.

5.   (Original) The method defined in claim 4 further comprising:

receiving an indication from the user, wherein the indication indicates a dispute management feature for the dispute management application; and

providing the dispute management feature to the user with the dispute management application in response to receiving the indication.

6.   (Original) The method defined in claim 1 further comprising providing the user with access to information relating to dispute management.

7.   (Original) The method defined in claim 6 further comprising allowing the user to electronically search through the information.

8.   (Original) The method defined in claim 7 wherein allowing the user to electronically search comprises receiving a keyword from the user.

9.   (Original) The method defined in claim 1 further comprising providing the user with a directory, wherein the directory includes contact information.

10.   (Original)   The method defined in claim 1 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

11.   (Original)   The method defined in claim 1 further comprising receiving an indication from the user that indicates the desirability of a neutral from a plurality of neutrals at the first computer.

12.   (Original)   The method defined in claim 11 further comprising providing the user with access to additional information relating to the plurality of neutrals.

13.   (Original)   The method defined in claim 1 further comprising receiving an indication from the user at the first computer that indicates the desirability of a neutral from a plurality of neutrals using an on-line calendar.

14.   (Original)   The method defined in claim 13 further comprising indicating the desirability of the

neutral based at least in part on the availabilities of the plurality of neutrals.

15.   (Original)   The method defined in claim 1 further comprising receiving an indication from the user to provide submissions relating to the claim.

16.   (Original)   The method defined in claim 1 further comprising receiving an indication from the user to electronically submit at least one document.

17.   (Original)   The method defined in claim 16 further comprising receiving definitions of viewing priorities from the case manager at the second computer.

18.   (Original)   The method defined in claim 16 further comprising providing the neutral at the third computer with access to the at least one document.

19.   (Original)   The method defined in claim 1 further comprising providing the user with a schedule for electronically submitting at least one document.

20. (Original) The method defined in claim 1 further comprising providing a notification to the selected neutral at the third computer in response to receiving the indication from the case manager.

21. (Original) The method defined in claim 1 further comprising providing the user with a discussion area relating to dispute management.

22. (Original) The method defined in claim 1 further comprising allowing the user to create a discussion area relating to dispute management.

23. (Original) The method defined in claim 1 further comprising providing the user with access to a case, wherein the case comprises the claim that the user has filed.

24. (Original) The method defined in claim 1 further comprising providing the user with access to postings that have been submitted using the dispute management application.

25.   (Original)   The method defined in claim 1 further comprising receiving an indication from the user of users that have a conflict of interest with the claim.

26.   (Original)   The method defined in claim 1 further comprising receiving an indication from the user that the user desires to create a profile.

27.   (Original)   The method defined in claim 26 wherein the profile comprises information relating to dispute prevention.

28.   (Original)   The method defined in claim 26 wherein the profile comprises information relating to dispute resolution.

29.   (Previously Presented)   A method for providing dispute management features in a dispute management application comprising:

receiving an indication at a first computer from a user at a second computer to file a claim against at least one adverse party;

providing the user at the second computer with access to a case filing application in response to receiving the indication;

assigning a case manager, who is a user other than the user and the at least one adverse party, to manage the case using a third computer in response to receiving a completed case filing application at the first computer;

receiving an indication at the first computer from the case manger at the third computer, wherein the indication indicates a dispute management feature for a dispute management application; and

providing the dispute management feature to the user using the first computer with the dispute management application in response to receiving the indication.

30.   (Original) The method defined in claim 29 wherein the user is a claimant.

31.   (Cancelled)

32. (Original) The method defined in claim 29 further comprising providing the user with access to user information relating to dispute management.

33. (Original) The method defined in claim 32 further comprising allowing the user to electronically search for user information.

34. (Original) The method defined in claim 29 further comprising allowing the user to select a dispute management process.

35. (Original) The method defined in claim 34 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

36. (Original) The method defined in claim 29 further comprising receiving an indication from the user that indicates the desirability of a neutral from a plurality of neutrals at the second computer.

37. (Original) The method defined in claim 36 further comprising providing the user with access to

additional information relating to the plurality of neutrals.

38.   (Original)   The method defined in claim 29 further comprising calculating a filing fee for the claim.

39.   (Original)   The method defined in claim 29 further comprising allowing the user to modify the claim.

40.   (Original)   The method defined in claim 29 further comprising receiving an indication from the user to electronically submit at least one document.

41.   (Original)   The method defined in claim 29 further comprising providing the user with a schedule for electronically submitting at least one document.

42.   (Original)   The method defined in claim 29 further comprising providing the user with access to postings that have been submitted using the dispute management application.

43.   (Original)   The method defined in claim 29 further comprising:

receiving an indication from the user to postpone a hearing; and

providing users related to the claim with a notification in response to receiving the indication.

44. (Original) The method defined in claim 29 further comprising receiving an indication from the user that the user desires to create a profile.

45. (Withdrawn) A method for preventing potential disputes from arising between a user and at least one party using a dispute management application comprising:

monitoring communications from the user at a first computer to the at least one party, wherein the communications reflect commercial activities between the user and the at least one party;

comparing the monitored communications from the first computer with dispute management criteria from a database located at a second computer;

determining potential dispute prevention information based at least in part on the comparison using data mining techniques; and

providing the potential dispute prevention information to the first user at the first computer to notify the user of the potential dispute.

46. (Withdrawn) The method defined in claim 45 further comprising determining key fields in the communications.

47. (Withdrawn) The method defined in claim 45 wherein the dispute management criteria comprises potential dispute prevention information.

48. (Withdrawn) The method defined in claim 45 further comprising communicating a notification to the user that indicates the likelihood for a dispute to arise.

49. (Withdrawn) The method defined in claim 45 further comprising providing the user with statistics relating to dispute prevention.

50. (Withdrawn) A method for international dispute management using a dispute management application comprising:

monitoring communications to a first user in a first country at a first computer from a second user at a second computer;

identifying the second user at the second computer, wherein the identifying comprises determining the country that the second user is communicating from and wherein the second user is communicating from a country other than the first country;

providing the first user with international dispute management information, appropriate for the country of the second user, in response to the identification;

determining one or more dispute management rules appropriate for the country of the second user; and

providing the first user with a plurality of dispute management features, appropriate for the country of the second user, in response to determining the dispute management rules.

51. (Withdrawn) The method defined in claim 50 further comprising providing the first user with access to information relating to international dispute management.

52. (Cancelled)

53.   (Withdrawn)   The method defined in claim 50 further comprising providing the first user with arbitration clauses relating to the country that the second user is from.

54.   (Withdrawn)   The method defined in claim 50 further comprising providing the first user with rules relating to the country that the second user is from.

55.   (Withdrawn)   The method defined in claim 50 further comprising determining a dispute management process for resolving an international dispute.

56.   (Withdrawn)   The method defined in claim 55 further comprising providing the first user with the dispute management process for resolving the dispute.

57.   (Withdrawn)   The method defined in claim 55 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

58.   (Withdrawn)   The method defined in claim 50 further comprising receiving an indication from the first user to create a profile.

59.   (Withdrawn)   The method defined in claim 50 further comprising receiving an indication from the second user to create a profile.

60.   (Previously Presented)   A system for dispute management using a dispute management application comprising:

means for receiving an indication from a user to file a claim against at least one party using a first computer, wherein the claim comprises a request for a dispute management process between the user and the at least one party;

means for providing the user with a first plurality of dispute management features at the first computer in response to receiving the indication at the first computer;

means for assigning a case manager, who is a user other than the user or the at least one party, to manage the dispute management process using a second computer in response to receiving the indication at the

first computer, wherein managing the dispute management process comprises means for guiding the user and the at least one party through the dispute resolution process;

means for notifying the case manager of the assignment at the second computer;

means for providing the case manager with a second plurality of dispute management features at the second computer, wherein the second plurality of features comprises means for allowing the case manager to select a neutral ;

means for receiving the selection of the neutral from the case manager at the second computer; and

means for allowing the selected neutral to facilitate the dispute resolution process between the user and the at least one party using a third computer.

61. (Original) The system defined in claim 60 wherein the user is a claimant.

62. (Cancelled)

63. (Previously Presented) The system defined in claim 60 further comprising means for providing the user

with access to a case filing application in response to receiving the indication from the user to file a claim.

64.   (Original) The system defined in claim 63 further comprising:

means for receiving an indication from the user, wherein the indication indicates a dispute management feature for the dispute management application; and

means for providing the dispute management feature to the user with the dispute management application in response to receiving the indication.

65.   (Original) The system defined in claim 60 further comprising means for providing the user with access to information relating to dispute management.

66.   (Original) The system defined in claim 65 further comprising means for allowing the user to electronically search through the information.

67.   (Original) The system defined in claim 66 wherein the means for allowing the user to electronically search comprises means for receiving a keyword from the user.

68. (Original) The system defined in claim 60 further comprising means for providing the user with a directory, wherein the directory includes contact information.

69. (Original) The system defined in claim 60 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

70. (Original) The system defined in claim 60 further comprising means for receiving an indication from the user that indicates the desirability of a neutral from a plurality of neutrals at the first computer.

71. (Original) The system defined in claim 70 further comprising means for providing the user with access to additional information relating to the plurality of neutrals.

72. (Original) The system defined in claim 60 further comprising means for receiving an indication from the user at the first computer that indicates the

desirability of a neutral from a plurality of neutrals using an on-line calendar.

73. (Original) The system defined in claim 72 further comprising means for indicating the desirability of the neutral based at least in part on the availabilities of the plurality of neutrals.

74. (Original) The system defined in claim 60 further comprising means for receiving an indication from the user to provide submissions relating to the claim.

75. (Original) The system defined in claim 60 further comprising means for receiving an indication from the user to electronically submit at least one document.

76. (Original) The system defined in claim 75 further comprising means for receiving definitions of viewing priorities from the case manager at the second computer.

77. (Original) The system defined in claim 75 further comprising means for providing the neutral at the third computer with access to the at least one document.

78. (Original) The system defined in claim 60 further comprising means for providing the user with a schedule for electronically submitting at least one document.

79. (Original) The system defined in claim 60 further comprising means for providing a notification to the selected neutral at the third computer in response to receiving the indication from the case manager.

80. (Original) The system defined in claim 60 further comprising means for providing the user with a discussion area relating to dispute management.

81. (Original) The system defined in claim 60 further comprising means for allowing the user to create a discussion area relating to dispute management.

82. (Original) The system defined in claim 60 further comprising means for providing the user with access to a case, wherein the case comprises the claim that the user has filed.

83. (Original) The system defined in claim 60 further comprising means for providing the user with access to postings that have been submitted using the dispute management application.

84. (Original) The system defined in claim 60 further comprising means for receiving an indication from the user of users that have a conflict of interest with the claim.

85. (Original) The system defined in claim 60 further comprising means for receiving an indication from the user that the user desires to create a profile.

86. (Original) The system defined in claim 85 wherein the profile comprises information relating to dispute prevention.

87. (Original) The system defined in claim 85 wherein the profile comprises information relating to dispute resolution.

88. (Previously Presented) A system for providing dispute management features in a dispute management application comprising:

means for receiving an indication at a first computer from a user at a second computer to file a claim against at least one adverse party;

means for providing the user at the second computer with access to a case filing application in response to receiving the indication;

means for assigning a case manager, who is a user other than the user and the at least one adverse party, to manage the case using a third computer in response to receiving a completed case filing application at the first computer;

means for receiving an indication at the first computer from the case manger at the third computer, wherein the indication indicates a dispute management feature for a dispute management application; and

means for providing the dispute management feature to the user using the first computer with the dispute management application in response to receiving the indication.

89. (Original) The system defined in claim 88 wherein the user is a claimant.

90. (Cancelled)

91. (Original) The system defined in claim 88 further comprising means for providing the user with access to user information relating to dispute management.

92. (Original) The system defined in claim 91 further comprising means for allowing the user to electronically search for user information.

93. (Original) The system defined in claim 88 further comprising means for allowing the user to select a dispute management process.

94. (Original) The system defined in claim 93 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

95. (Original) The system defined in claim 88 further comprising means for receiving an indication from

the user that indicates the desirability of a neutral from a plurality of neutrals at the second computer.

96. (Original) The system defined in claim 95 further comprising means for providing the user with access to additional information relating to the plurality of neutrals.

97. (Original) The system defined in claim 88 further comprising means for calculating a filing fee for the claim.

98. (Original) The system defined in claim 88 further comprising means for allowing the user to modify the claim.

99. (Original) The system defined in claim 88 further comprising means for receiving an indication from the user to electronically submit at least one document.

100. (Original) The system defined in claim 88 further comprising means for providing the user with a schedule for electronically submitting at least one document.

101. (Original) The system defined in claim 88 further comprising means for providing the user with access to postings that have been submitted using the dispute management application.

102. (Original) The system defined in claim 88 further comprising:

means for receiving an indication from the user to postpone a hearing; and

means for providing users related to the claim with a notification in response to receiving the indication.

103. (Original) The system defined in claim 88 further comprising means for receiving an indication from the user that the user desires to create a profile.

104. (Withdrawn) A system for preventing potential disputes from arising between a user and at least one party using a dispute management application comprising:

means for monitoring communications from the user at a first computer to the at least one party, wherein

the communications reflect commercial activities between the user and the at least one party;

means for comparing the monitored communications from the first computer with dispute management criteria from a database located at a second computer;

means for determining potential dispute prevention information based at least in part on the comparison using data mining techniques; and

means for providing the potential dispute prevention information to the first user at the first computer to notify the user of the potential dispute.

105. (Withdrawn) The system defined in claim 104 further comprising means for determining key fields in the communications.

106. (Withdrawn) The system defined in claim 104 wherein the dispute management criteria comprises potential dispute prevention information.

107. (Withdrawn) The system defined in claim 104 further comprising means for communicating a notification

to the user that indicates the likelihood for a dispute to arise.

108. (Withdrawn) The system defined in claim 104 further comprising means for providing the user with statistics relating to dispute prevention.

109. (Withdrawn) A system for international dispute management using a dispute management application comprising:

means for monitoring communications to a first user in a first country at a first computer from a second user at a second computer;

means for identifying the second user at the second computer, wherein the means for identifying comprises means for determining the country that the second user is communicating from and wherein the second user is communicating from a country other than the first country;

means for providing the first user with international dispute management information, appropriate for the country of the second user, in response to the identification;

means for determining one or more dispute management rules appropriate for the country of the second user; and

means for providing the first user with a plurality of dispute management features, appropriate for the country of the second user, in response to determining the dispute management rules.

110. (Withdrawn) The system defined in claim 109 further comprising means for providing the first user with access to information relating to international dispute management.

111. (Cancelled)

112. (Withdrawn) The system defined in claim 109 further comprising means for providing the first user with arbitration clauses relating to the country that the second user is from.

113. (Withdrawn) The system defined in claim 109 further comprising means for providing the first user with rules relating to the country that the second user is from.

114. (Withdrawn) The system defined in claim 109 further comprising means for determining a dispute management process for resolving an international dispute.

115. (Withdrawn) The system defined in claim 114 further comprising means for providing the first user with the dispute management process for resolving the dispute.

116. (Withdrawn) The system defined in claim 114 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

117. (Withdrawn) The system defined in claim 109 further comprising means for receiving an indication from the first user to create a profile.

118. (Withdrawn) The system defined in claim 109 further comprising means for receiving an indication from the second user to create a profile.

119. (Previously Presented) A system for dispute management using a dispute management application comprising:

a user input device;

a display device; and

a dispute management application implemented at least partially on control circuitry and programmed to:

receive an indication from a user to file a claim against at least one party using a first computer, wherein the claim comprises a request for a dispute management process between the user and the at least one party;

provide the user with a first plurality of dispute management features at the first computer in response to receiving the indication at the first computer;

assign a case manager, who is a user other than the user or the at least one party, to manage the dispute management process using a second computer in response to receiving the indication at the first computer, wherein managing the dispute management process comprises guiding the user and the at least one party through the dispute resolution process;

notify the case manager of the assignment at the second computer;

provide the case manager with a second plurality of dispute management features at the second

computer, wherein the second plurality of features comprises allowing the case manager to select a neutral ;

receive the selection of the neutral from the case manager at the second computer; and

allowing the selected neutral to facilitate the dispute resolution process between the user and the at least one party using a third computer.

120. (Original) The system defined in claim 119 wherein the user is a claimant.

121. (Cancelled)

122. (Previously Presented) The system defined in claim 119 wherein the dispute management application is further programmed to provide the user with access to a case filing application in response to receiving the indication from the user to file a claim.

123. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to:

receive an indication from the user, wherein
the indication indicates a dispute management feature for
the dispute management application; and

provide the dispute management feature to
the user with the dispute management application in
response to receiving the indication.

124. (Original) The system defined in claim 119
wherein the dispute management application is further
programmed to provide the user with access to information
relating to dispute management.

125. (Original) The system defined in claim 124
wherein the dispute management application is further
programmed to allow the user to electronically search
through the information.

126. (Original) The system defined in claim 125
wherein the dispute management application is further
programmed to receive a keyword from the user.

127. (Original) The system defined in claim 119
wherein the dispute management application is further

programmed to provide the user with a directory, wherein the directory includes contact information.

128. (Original) The system defined in claim 119 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

129. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to receive an indication from the user that indicates the desirability of a neutral from a plurality of neutrals at the first computer.

130. (Original) The system defined in claim 129 wherein the dispute management application is further programmed to provide the user with access to additional information relating to the plurality of neutrals.

131. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to receive an indication from the user at the first computer that indicates the desirability of a neutral from a plurality of neutrals using an on-line calendar.

132. (Original) The system defined in claim 131 wherein the dispute management application is further programmed to indicate the desirability of the neutral based at least in part on the availabilities of the plurality of neutrals.

133. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to receive an indication from the user to provide submissions relating to the claim.

134. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to receive an indication from the user to electronically submit at least one document.

135. (Original) The system defined in claim 134 wherein the dispute management application is further programmed to receive definitions of viewing priorities from the case manager at the second computer.

136. (Original) The system defined in claim 134 wherein the dispute management application is further

programmed to provide the neutral at the third computer with access to the at least one document.

137. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to provide the user with a schedule for electronically submitting at least one document.

138. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to provide a notification to the selected neutral at the third computer in response to receiving the indication from the case manager.

139. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to provide the user with a discussion area relating to dispute management.

140. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to allow the user to create a discussion area relating to dispute management.

141. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to provide the user with access to a case, wherein the case comprises the claim that the user has filed.

142. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to provide the user with access to postings that have been submitted using the dispute management application.

143. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to receive an indication from the user of users that have a conflict of interest with the claim.

144. (Original) The system defined in claim 119 wherein the dispute management application is further programmed to receive an indication from the user that the user desires to create a profile.

145. (Original) The system defined in claim 144 wherein the profile comprises information relating to dispute prevention.

146. (Original) The system defined in claim 144 wherein the profile comprises information relating to dispute resolution.

147. (Previously Presented) A system for providing dispute management features in a dispute management application comprising:

a user input device;

a display device; and

a dispute management application implemented at least partially on control circuitry and programmed to:

receive an indication at a first computer from a user at a second computer to file a claim against at least one adverse party;

provide the user at the second computer with access to a case filing application in response to receiving the indication;

assign a case manager, who is a user other than the user and the at least one adverse party, to manage the case using a third computer in response to

receiving a completed case filing application at the first
computer;

receive an indication at the first
computer from the case manger at the third computer,
wherein the indication indicates a dispute management
feature for a dispute management application; and

provide the dispute management feature
to the user using the first computer with the dispute
management application in response to receiving the
indication.

148. (Original) The system defined in claim 147
wherein the user is a claimant.

149. (Cancelled)

150. (Original) The system defined in claim 147
wherein the dispute management application is further
programmed to provide the user with access to user
information relating to dispute management.

151. (Original) The system defined in claim 147
wherein the dispute management application is further

programmed to allow the user to electronically search for
user information.

152. (Original) The system defined in claim 147
wherein the dispute management application is further
programmed to allow the user to select a dispute management
process.

153. (Original) The system defined in claim 147
wherein the dispute management process is selected from the
group consisting of documents-only arbitration and on-call
mediation.

154. (Original) The system defined in claim 147
wherein the dispute management application is further
programmed to receive an indication from the user that
indicates the desirability of a neutral from a plurality of
neutrals at the second computer.

155. (Original) The system defined in claim 147
wherein the dispute management application is further
programmed to provide the user with access to additional
information relating to the plurality of neutrals.

156. (Original) The system defined in claim 147 wherein the dispute management application is further programmed to calculate a filing fee for the claim.

157. (Original) The system defined in claim 147 wherein the dispute management application is further programmed to allow the user to modify the claim.

158. (Original) The system defined in claim 147 wherein the dispute management application is further programmed to receive an indication from the user to electronically submit at least one document.

159. (Original) The system defined in claim 147 wherein the dispute management application is further programmed to provide the user with a schedule for electronically submitting at least one document.

160. (Original) The system defined in claim 147 wherein the dispute management application is further programmed to provide the user with access to postings that have been submitted using the dispute management application.

161. (Original) The system defined in claim 147 wherein the dispute management application is further programmed to:

receive an indication from the user to postpone a hearing; and

provide users related to the claim with a notification in response to receiving the indication.

162. (Original) The system defined in claim 147 wherein the dispute management application is further programmed to receive an indication from the user that the user desires to create a profile.

163. (Withdrawn) A system for preventing potential disputes from arising between a user and at least one other party using a dispute management application comprising:

a user input device;

a display device; and

a dispute management application implemented at least partially on control circuitry and programmed to:

monitor communications from the user at a first computer to the at least one party, wherein the

communications reflect commercial activities between the user and the at least one party;

compare the monitored communications from the first computer with dispute management criteria from a database located at a second computer;

determine potential dispute prevention information based at least in part on the comparison using data mining techniques; and

provide the potential dispute prevention information to the first user at the first computer to notify the user of the potential dispute.

164. (Withdrawn) The system defined in claim 163 wherein the dispute management application is further programmed to determine key fields in the communications.

165. (Withdrawn) The system defined in claim 163 wherein the dispute management criteria comprises potential dispute prevention information.

166. (Withdrawn) The system defined in claim 163 wherein the dispute management application is further programmed to communicate a notification to the user that indicates the likelihood for a dispute to arise.

167. (Withdrawn) The system defined in claim 163 wherein the dispute management application is further programmed to provide the user with statistics relating to dispute prevention.

168. (Withdrawn) A system for dispute management using a dispute management application comprising:

a user input device;

a display device; and

a dispute management application implemented at least partially on control circuitry and programmed to:

monitor communications to a first user in a first country at a first computer from a second user at a second computer;

identify the second user at the second computer, wherein the identifying comprises determining the country that the second user is communicating from and wherein the second user is communicating from a country other than the first country;

provide the first user with international dispute management information, appropriate for the country of the second user, in response to the identification;

determine one or more dispute
management rules appropriate for the country of the second
user; and

provide the first user with a plurality
of dispute management features, appropriate for the country
of the second user, in response to determining the dispute
management rules.

169. (Withdrawn) The system defined in claim 168
wherein the dispute management application is further
configured to provide the first user with access to
information relating to international dispute management.

170. (Cancelled)

171. (Withdrawn) The system defined in claim 168
wherein the dispute management application is further
configured to provide the first user with arbitration
clauses relating to the country that the second user is
from.

172. (Withdrawn) The system defined in claim 168
wherein the dispute management application is further

configured to provide the first user with rules relating to the country that the second user is from.

173. (Withdrawn) The system defined in claim 168 wherein the dispute management application is further configured to determine a dispute management process for resolving an international dispute.

174. (Withdrawn) The system defined in claim 168 wherein the dispute management application is further configured to provide the first user with the dispute management process for resolving the dispute.

175. (Withdrawn) The system defined in claim 174 wherein the dispute management process is selected from the group consisting of documents-only arbitration and on-call mediation.

176. (Withdrawn) The system defined in claim 168 wherein the dispute management application is further configured to receive an indication from the first user to create a profile.

177. (Withdrawn) The system defined in claim 168 wherein the dispute management application is further configured to receive an indication from the second user to create a profile.

(ix.)   Evidence Appendix

COPY OF THE NON-FINAL OFFICE ACTION DATED December 16, 2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,402	11/21/2001	William K. Slate II	AAA-003	3669

1473   7590   12/16/2009
ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

EXAMINER
AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
12/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		09/990,402	SLATE ET AL.
		Examiner	Art Unit
		EVENS J. AUGUSTIN	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09/21/09</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12,15-44,47-103,119-130 and 133-162_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12, 15-44, 60-71, 47-103, 119-130 and 133-162_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgment

1.   Request for Continued Examination under 37 CFR1.114, filed on 09/21/09, has been

acknowledged. Claims 34-44 have been added. Claims 1-12, 15-44, 60-71, 47-103, 119-130

and 133-162 are pending.

2.   The USPTO has considered applicant's arguments/remarks, however, the prior art from

the previous office action is maintained because of any patentable distinction that may exist

between and current and previous claim language is still unpatentable over the prior art.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claims 1-12, 15-44, 60-71, 47-103, 119-130 and 133-162 are rejected under 35

U.S.C. 103(a) as being unpatentable over Israel et al. (U.S 6,766,307), in view of Landry et al.

(U.S 20030014265).

5.   As per claims 1-12, 15-44, 60-71, 47-103, and 119-130 and 133-162, Israel et al.

discloses a system and method for providing dispute resolution management. The system

utilizes software packages (application) (column 28, lines 39-50), and hardware combination

(column 8, lines 48-57) for input (keyboard) and display (monitor), as resources to achieve its

desired results.   The system can:

A. ("receiving an indication from a user to file a claim against at least one party using a first

computer, wherein the claim comprises a request for a dispute management process

between the user and the at least one party") -- Receive dispute resolution management

request from users (column 2, line 44);

B. ("providing the user with a first plurality of dispute management features at the first

computer in response to receiving the indication at the first compute") -- Provide the

options/features of the dispute resolution management from users (column 3, lines 26-

30);

C. ("assigning a case manager, to manage the dispute management process using a second

computer in response to receiving the indication at the first computer, wherein managing

the dispute management process comprises guiding the user and the at least one party

through [[a]] the dispute resolution process"), ("providing the case manager with a second

plurality of dispute management features at the second computer") -- The system has a

program manager, which is equivalent to the case manager in question, that can include a

plurality of selectable actions such as, for example and not limited hereby, adding users,

modifying existing user data, transferring active cases from one user to another,

activating users, modifying account registration data, browsing all disputes, generating

detailed dispute reports, generating summary reports of disputes, browsing dispute

resolution cases, as well as other actions which are used by a manager of non-judicial

dispute resolutions, and any combination of one or more of the foregoing (col. 3, lines
13-24);

D. ("notifying the case manager of the assignment") -- The Program Manager will be
notified that the dispute(s) have been successfully transferred from one Program User to
another (col. 13, lines 23-25). Therefore the program is entity that is different from the
program users i.e., conflicting parties. The program manager is a user that has access to
the system (col. 11, lines 60-62);

E. ("wherein the second plurality of features comprises allowing the case manager to select
a neutral ") -- Additionally, the program manager interacts with management module
(col. 12, lines 7-15). The management module (a self-contained component that can
provide a complete function to a system and can be interchanged with other modules that
provides similar functions) is configured to transmit notices to each party to a dispute
regarding a change in the status of the dispute, the input of additional data in relation to
the dispute, the results of a query of the data contained within management module, or
any other information relating to the dispute and/or for transmitting the dispute resolution
data to the appropriate entity for mediation and/or arbitration (col.10, lines 13-20), in
other words, managing the dispute resolution process;

F. Computer system that offers dispute resolution through a third party mediator/arbitrator
(column 19, lines 1-29), different from the disputing parties. The system guides the
disputing parties through the process by allowing them to move seamlessly and
uninterrupted through the process (column 19, lines 34-37)'

G. Receive indication of a selected neutral or third party i.e., mediator or arbitrator (column 19, lines 2-8);

H. ("allowing the selected neutral to facilitate the dispute resolution process between the user and the at least one party using a third computer ") -- Allow third party to facilitate the dispute management process (column 19, lines 16-17);

I. ("providing the user with access to a case filing application in response to receiving the indication from the user to filing file a claim") -- Have users as plaintiffs/claimants or defendants/respondents (column 4, line 42);

J. Provide users with means to input registration data. This is equivalent to completing an on-line application form (column 9, lines 20-25);

K. ("the indication indicates a dispute management feature for the dispute management application ") -- Receive request for and provide certain features of the dispute resolution management system (column 19, lines 43-47);

L. ("providing the user with access to information relating to dispute management "); ("allowing the user to electronically search through the information"); ("wherein allowing the user to electronically search comprises receiving a keyword from the user") -- Provide users access with dispute management related information. Users can use electronically search the system using key words to find relevant information (column 19, lines 52-67);

M. Provide users with contact information (e-mail) for mediators/arbitrators (column 5, lines 38-42)

N. ("providing the user with a directory, wherein the directory includes contact information") -- Provide on-line (documents only) or off-line mediation/arbitration (on-

call) (column 5, lines 7-9). For online mediation/arbitration, all relevant documents can

be transmitted electronically (column 5, lines 29-30, 39-40). For off-line

mediation/arbitration, some of the relevant documents can be sent be transmitted, on-line;

the rest of the transmission can be done via fax, phone or video (column 5, lines 31-33 &

41-43);

O. Provide users with access to mediators/arbitrators, if users choose this particular option

(column 17, line 36-40)

P. Provide users with additional information regarding the mediator/arbitrator officers

(column 20, lines 44-52)

Q. Receive dispute information from users (column 17, lines 5-7)

R. Allow users to submit claim information (column 17, lines 5-7 & 44-50)

S. Users can prioritize the viewing of their disputes, based on urgency level (column 18,

lines 5-14)

T. Provide dispute information to mediators/arbitrators (column 5, lines 24-31)

U. Provide users with a preset period of time before the system logs them off (column 20,

lines 65-66)

V. Provide notifications to the arbitrators/mediators (column 17, lines 41-42)

W. Provide users with discussion area for dispute related discussions via chat rooms and

bulletin boards (column 4, line 14)

X. Provide users access to disputes that they have submitted (column 19, lines 43-44)

Y. Display all relevant information such as status or any recent activity (postings) of a

dispute (column 22 lines 63-65)

Z.   Receive information from users regarding opposing parties or parties that have a conflict
     of interest with the dispute (column 16, lines 47-50)

AA.   Allow users to create profiles (column 4, lines 37-38). The data for a particular

         profile can be stored and retrieved by users (column 28, lines 31-37) for the purpose of

         dispute prevention. The data can also be used for dispute resolution (column 4, lines 55-

         58)

6.   Although Israel teaches a system that guides the user the process, Israel did not explicitly

teach a system in which another user provides guidance/management or support to a dispute

resolution system. However, Landry et al. describe an invention that relates to alternative

dispute resolution ("ADR") services and, in particular, to a computer-implemented system and

method of providing online dispute resolution ("ODR") services over a computer network.

Landry describes a system in which a clerk monitors the system processes using monitoring

service; this service enables the Clerk to verify the validity of the Arbitration/Mediation Clause

(discussed below), and to generally provide support to parties during ODR processes (e.g.,

providing assistance in completing and submitting electronic forms. The Clerk accepts the

registration of mediators and arbitrators 128 into the ODR System 60 using the

arbitrator/mediator enrollment service (par. 30). The clerk, as described by Landry, performs the

similar functions to the case manager described in the claimed invention.

7.   Therefore, it would have been obvious for one of ordinary skill in the art at the time of

the applicant's invention to construct a system that would employ a method/system in which

another user provides guidance/management or support to a dispute resolution system. It would

have been obvious to do so because it would provide the added benefit of having a human agent

providing support and assistance to online system, which sometimes highly desirable by users of

online or Internet systems.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

9.   Claims 13-14, 72-73 and 131-132 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Israel et al. (US 6,766,307 B1) and Landry et al. (U.S 20030014265), in view

of Murray et al. (U.S 5,023,851).

10.   As per claims 13-14, 72-73 and 131-132, Israel et al. discloses a dispute resolution

management method/system that can:

   BB.   Receive dispute resolution management request from users (column 2, line 44)

   CC.   Provide the options/features of the dispute resolution management from users

   (column 3, lines 26-30)

   DD.   Manage the dispute resolution management techniques/process (column 5, lines

   59-63)

   EE. Receive indication of a selected neutral or third party i.e., mediator or arbitrator (column

   19, lines 2-8)

   FF. Allow third parties to facilitate the dispute management process (column 19, lines 16-17)

11.   Israel and Landry did not explicitly describe a method/system in which the availability

and selection of third party mediators/arbitrators is based on an on-line calendar. However,

Murray et al describes a method for presenting electronic calendar information in an interactive

information handling system, which employs a calendar program for displaying events and time

slots available for the next event (column 9, lines 6-10). Therefore, it would have been obvious

for one of ordinary skill in the art at the time of the applicant's invention to construct a system

that would utilize an on-line calendar for the availability of mediators/arbitrators. It would have

been obvious to one of ordinary skill in the art at the time of the applicant's invention to

implement an on-line, in order to minimize scheduling conflicts.

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EVENS J. AUGUSTIN whose telephone number is 571-272-

6860. The examiner can normally be reached on 10am - 6pm M-F.

13.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Fischer can be reached on (571)272-6779.

/Evens J. Augustin/
Evens J. Augustin
December 16, 2009
Art Unit 3621

(12) **United States Patent**   (10) **Patent No.:**   **US 6,766,307 B1**
Israel et al.   (45) **Date of Patent:**   **Jul. 20, 2004**

(54) **SYSTEM AND METHOD FOR PROVIDING COMPLETE NON-JUDICIAL DISPUTE RESOLUTION MANAGEMENT AND OPERATION**

(75) Inventors: **Roy Israel**, Roslyn Heights, NY (US); **Willem F. Specht**, Merrick, NY (US)

(73) Assignee: **clickNsettle.com, Inc.**, Great Neck, NY (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/568,674**

(22) Filed: **May 11, 2000**

Related U.S. Application Data

(60) Provisional application No. 60/177,133, filed on Jan. 20, 2000, provisional application No. 60/156,169, filed on Sep. 27, 1999, provisional application No. 60/146,677, filed on Aug. 2, 1999, provisional application No. 60/145,158, filed on Jul. 22, 1999, provisional application No. 60/141,650, filed on Jun. 29, 1999, and provisional application No. 60/133,341, filed on May 11, 1999.

(51) Int. Cl.⁷ **G06F 17/60**
(52) U.S. Cl. **705/80**; 705/1; 705/37
(58) Field of Search 705/80, 1, 37

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(57) **ABSTRACT**

A system and method for providing complete non-judicial dispute resolution management and operation. The system includes an electronic architecture which receives, sorts, and stores data related to non-judicial dispute resolution. The architecture enables implementation and management of a full range of non-judicial dispute resolution procedures between two or more adverse parties to a dispute. The system is accessible electronically by wired and/or wireless communications. The architecture includes a management module which is configured to receive, sort and store dispute resolution data and to provide an internal continuous compilation of such data and new data generated during non-judicial dispute resolution procedures. The architecture also includes a reckoning module connected to the management module for receipt of dispute resolution data. The reckoning module is designed to implement a selected resolution procedure and to transmit to the management new data generated during the resolution procedure.

173 Claims, 4 Drawing Sheets
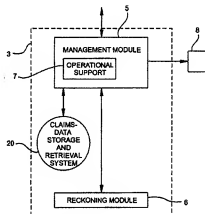
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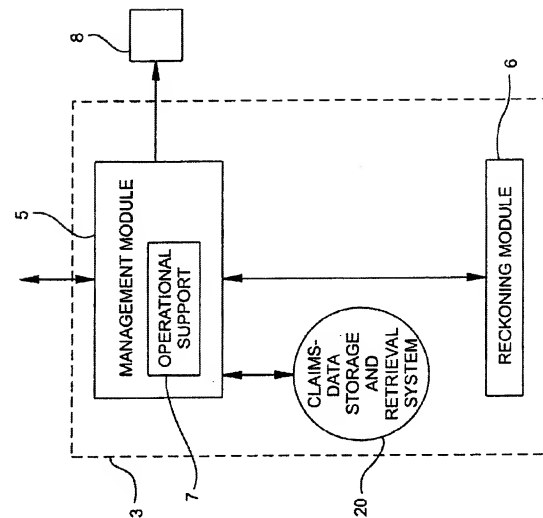
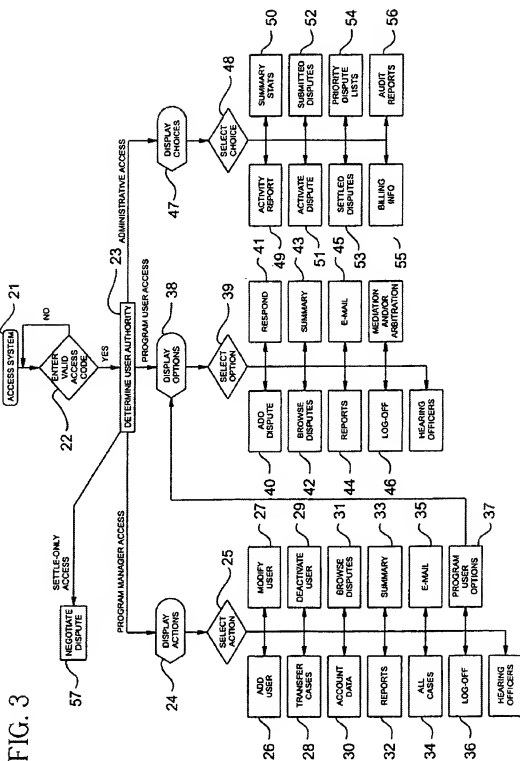*NAMSYS The ADR Program Management Software, Version 1.0, Systems Notes*, Copyright 1998 NAM Corporation.

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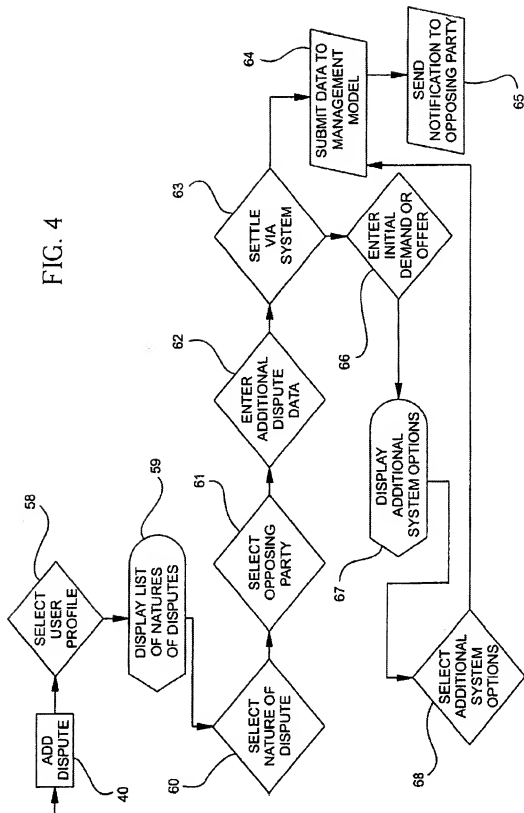
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FIG. 1

FIG. 2

FIG. 3

FIG. 4
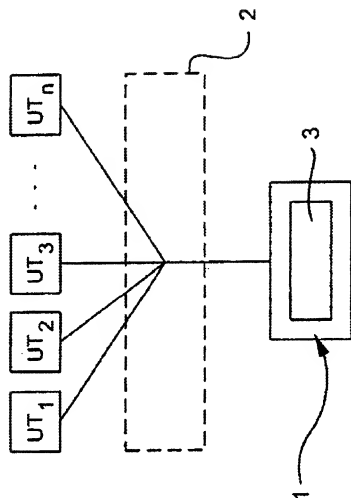
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SYSTEM AND METHOD FOR PROVIDING COMPLETE NON-JUDICIAL DISPUTE RESOLUTION MANAGEMENT AND OPERATION

The present application claims priority to six (6) provisional applications identified as follows: U.S. application Ser. No. 60/133,441, filed May 11, 1999; U.S. application Ser. No. 60/141,650, filed Jun. 29, 1999; U.S. application Ser. No. 60/145,158, filed Jul. 22, 1999; U.S. application Ser. No. 60/146,677, filed Aug. 2, 1999; U.S. application Ser. No. 60/156,169, filed Sep. 27, 1999; and U.S. application Ser. No. 60/177,133, filed Jan. 20, 2000. Each of these earlier filed provisional applications are incorporated herein by reference.

BACKGROUND OF THE INVENTION

The present invention relates generally to dispute resolution and more specifically to a system for providing complete non-judicial dispute resolution management and procedures.

There are numerous conventional means whereby parties involved in a legal dispute may attempt to resolve such dispute, or settle the case. These means include, for example, using the public court system (including small claims court), or non-judicial dispute resolution. However, the public's confidence in the court system seems to have deteriorated over the years. Moreover, the time required to bring a dispute to resolution has become inordinately long. Finally, and perhaps most import of all, the costs associated with a litigation are very high and, in many cases, discourage a legitimate complainant from seeking redress. Consequently, parties and, thus, the legal community have continuously sought to find "a better way" to resolve disputes than through the courts.

In the age of computerization, attempts have been made within the legal community to streamline handling of disputes on behalf of claimants. For example, U.S. Pat. No. 5,956,687 to Wamsley, et al. discloses a technique for computerized management of a plaintiff's personal injury case. The technique includes establishing works reflective of each phase of a personal injury claim, including a pre-negotiation phase, a technique to generate a demand letter and calculate settlement amounts based on information gathered in the record during handling of the claim. However, the Wamsley, et al. "Personal Injury Claim Management System" does not provide an architecture for operation and management of non-judicially handled claims, and, thus, is sorely bereft of the capacity to service a significant number of disputes arising in our society. (In the context of the present invention, "non-judicial" means originated and/or handled outside of the court system—although a court may be involved at some point in the dispute, e.g., to sign a document, order implementation, etc).

In recent years the attempt to bypass the judicial system has resulted in systems and organizations to settle cases without going to court. As part of procedures developed to carry out settlement, parties have been offered the ability to have a dispute mediated, usually by a third party who can be referred to as a mediator. Mediation permits each party to tell its story and even propose a settlement figure when appropriate (which can be made known or kept secret by the mediator).

Another method of resolving a dispute outside the courts is by arbitration. Arbitration can be carried out by a single arbitrator or by a panel of arbitrators. The procedure used for

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arbitration can be somewhat complex, depending on the rules of arbitration agreed to by the parties. The level of participation by a mediator or an arbitrator (or panel of arbitrators) can vary widely depending on the scenario selected by the parties. Generally, this rather wide range of unspecified possibilities has been referred to as alternative dispute resolution (ADR).

As part of ADR, or adjunct thereto, parties have, from time to time, participated in blind-bid scenarios which mean that each party to a dispute submits a bid without the other party(ies) knowing its bid. The bids are evaluated with a view to settling the dispute. If the bids are sufficiently close or fall within a pre-arranged relationship, the dispute can be settled. If not, additional bidding can be provoked. Bid reception and evaluation can be effected by a judge, a mediator, an arbitrator, or even electronically. See, for example, U.S. Pat. No. 5,7615,269 to Micali, which describes an electronic communications method for resolving a transaction when bids from at least two parties come within a predetermined relationship. Similarly, an on line dispute resolution company, CyberSettle.Com Inc., has made available a web site which accepts three (3) bids from each party, compares the bids to determine whether they are within an agreed-upon range, and reports settlement or provokes a "last chance" bid.

In any event, even use of the extensive array of non-judicial dispute resolution techniques can prove to be unwieldy and/or cost-ineffective, especially from the perspective of an organization such as an insurance company and/or claims department and/or law firm which handles many (and varied) disputes on behalf of one or more parties. Non-judicial dispute resolution includes so many possible procedural schemes that it unduly complicates standard claim handling in a traditional judicial agency such as those enumerated in the previous sentence. Thus, there is a tremendous need for providing a system whereby a complete array of non-judicial dispute resolution techniques are simultaneously made available and managed.

SUMMARY OF THE INVENTION

The present invention is a unique system which enables adverse parties to conduct and manage a full array of non-judicial dispute resolution. The present invention includes an electronic architecture which receives, sorts, and stores data related to non-judicial dispute resolution. This architecture enables implementation and management of a full range of non-judicial dispute resolution procedures between two or more adverse parties to a dispute. "Full range of non-judicial dispute resolution procedures" includes bid-style negotiations, mediation, and arbitration.

The system can be accessible electronically via wired and/or wireless communications, and is preferably accessible via the internet. In one particular embodiment, the system is accessible over the internet via a link provided in a web site of another entity. When wireless communications is used for access, any viable frequencies available from the electromagnetic spectrum can be used, e.g., radio frequency, microwave, UHF, and other frequencies.

The architecture itself includes a management module, configured to receive, sort and store dispute resolution data and to provide internal continuous compilation of such data and new data generated during non-judicial dispute resolution procedures.

The architecture also includes a reckoning module connected to and/or electronically associated with (e.g., including a computerized relationship) the management module

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for receipt of dispute resolution data, and is designed to implement a selected resolution procedure and to transmit to the management module new data generated during a resolution procedure.

The system can be accessed in response to the biographical data input by at least one of the parties. The biographical data can include personal and/or organization-identification information and/or one or more of an account number, username, a password, etc., and can be verified by the system.

In one embodiment, the access is a tiered leveled access having at least a program manager access and a program user access. The program manager access can include a plurality of selectable actions such as, for example and not limited hereby, adding users, modifying existing user data, transferring active cases from one user to another, activating users, modifying account registration data, browsing all disputes, generating detailed dispute reports, generating summary reports of disputes, browsing dispute resolution cases, as well as other actions which are used by a manager of non-judicial dispute resolutions, and any combination of one or more of the foregoing. The management module can provide relevant data to a program manager in response to an appropriate signal selected by the program manager.

In the case of program user access, a plurality of selectable options can be made available such as, e.g., adding a dispute, responding to a dispute, browsing disputes, generating dispute reports, generating summary reports, as well as any other options required by a case manager of a dispute and any combinations of one or more of such options. Other options can be included and the possibilities are not limited by those set forth above. The management module provides relevant data to the program user in response to the options selected by the user.

A further aspect of the present architecture is an administrative personnel access which enables required administrative personnel to select from one of a plurality of selectable choices. Such choices can include, but is not limited to, informing the parties of disputes submitted to the system which request their response, informing users of settled disputes, marking disputes active, generating prior dispute lists, generating activity reports for the system, providing billing information, generating summary reports for any or all accounts within the system, generating audit reports to ensure that the system is functioning properly, and any other choices required of an administrative personnel, and any combination of the foregoing. The management module provides relevant data to the administrative personnel in response to one or more of the choices selected by such personnel.

The management module of the present invention can also provide operational support to be used in connection with the non judicial proceeding(s). For example, the system can provide reporting services in the event the proceedings require such services, e.g., in the event mediation or arbitration proceedings requiring a "record" are used. The reporting services can be called upon for both on-line and off-line proceedings, and can include stenographic services, and all types of electronic reporting services such as audio, video, etc.

Another operational support available in the present invention is translation services and/or interpretation services. This support can also be rendered on-line or off-line, and can be made available for all types of non-judicial proceedings and possible in the present system.

Yet another operational support provided in the management module of the present invention is a vast array of

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structure settlement arrangements. For example, and are not limited hereby, a settlement arrangement can be structured for a pay out over time and/or fully funded by a third party (e.g., lending institution, factor, etc.). Moreover, the structured settlement feature of the invention can be made available at any time before, during, and/or after the non-judicial resolution proceeding(s).

The architecture also provides to the user a "settle-only" access. "Settle-only" access enables a party to a dispute to access the system for purposes of only attempting to resolve that dispute via the system and does not allow access to the management capabilities of the system. However, all data input by a "settle-only" user is routed through the management module for proper storage of data. Therefore, in response to settle-only access by a user, the management module provides relevant data to the reckoning module. Moreover, the system displays only the relevant data to a settle-only access user.

The architecture of the present invention further includes a claims-data storage and retrieval system which retains data relating to non-judicial dispute resolution and enables retrieval of data by category. The categories in the retrieval system include, but are not limited to, description of the nature of the dispute, settlement amount, venue, type of injury, body part injured, sex, age, occupation, geographical data, and any combination of one or more of the foregoing categories, and any other information capable of being stored in a data bank in an electronic system, e.g., computer system. Preferably the storage and retrieval system data is confidential.

Once the mode of non-judicial dispute resolution is selected, the management module provides relevant data to the reckoning module in response to the selection by one or both of the parties. When the resolution procedure is a bid-style negotiation, one or both of the parties can select either a "blind bid" or an "open bid" type of negotiation.

A profile prompter prompts a party selecting a dispute resolution procedure to indicate whether or not it is a plaintiff and/or defendant. The responding party also provides information in response to a prompt indicating the profile of the responding party. Depending on who the party is, i.e., plaintiff or defendant, the party then provides either a demand (as a plaintiff) or an offer (as a defendant). "Demands" and "offers" as used herein can include any matter which can be construed as "consideration" sufficient to support a promise or a contract. Consideration is something of value, e.g., an advantage, however slight, to one party, or an inconvenience, even though trifling, to one party. Consideration (considered as a proffer synonymously herein with "bid," demand," and "offer") can be, but is not limited to, monetary and non-monetary assets, ownership rights, personal rights, custody rights, liability and percentages thereof, etc.

Furthermore, the reckoning module preferably provides a pre-selected criteria for comparing the demand and the offer to determine whether or not the dispute can be resolved. If the pre-selected criteria is satisfied, the system can send a notification to the plaintiff and/or defendant of resolution.

Of the pre-selected criteria, the system can resolve the dispute for the value of the demand if the value of the demand is less than or equal to the offer, or, for the average between the demand and the offer if the demand is within a pre-selected percentage of the offer. For example, a pre-selected percentage range can be from about 5% to about 35%.

The system can also ask that the defendant provide a high value and low value to establish a resolution range. In this

case, the dispute can be resolved for the value of the demand if the demand is between the high value and the low value of the range, or, for the low value of the resolution range if the demand is equal to or less than the low value. In this case, the low value can be a fixed value whereas the high value can be a changing value.

Other non-judicial dispute resolution procedures include on-line mediation and arbitration and off-line mediation and arbitration. On-line proceedings can be real time such that all parties and a mediator(s) or arbitrator(s) are in communication simultaneously. On-line proceedings are not limited to a real time scenario, and can be conducted via a format which permits delayed responses. Such formats can include, but are not limited to, chat room(s), bulletin board(s), etc. Off-line proceedings can be "in-person" and "not-in-person." In all of the aforementioned proceedings relevant material, such as evidence, can be transmitted electronically, again via wire and/or wireless communication (each party can also submit material via mail, delivery service, courier, etc.). Moreover, all or even a portion of the proceedings can be conducted via video transmission.

As the resolution procedure progresses, the reckoning module transmits new dated generated to the management module for compiling, sorting and storing. When the non-judicial dispute resolution procedure is a mediation, the management module provides relevant data to a mediator in response to a mediation selection. The mediation can be real-time on-line arbitration wherein information (evidence or otherwise) can be transmitted to the mediator electronically, e.g., by fax, by phone, video, and by computer (e-mail) when available, etc. When the mediation is off-line, at least some of the necessary information can be transmitted on-line by the same modes set forth above.

Similarly, when the non-judicial dispute resolution procedure is an arbitration, the management module provides relevant data to an arbitrator, or a board of arbitrators, in response to the selection to arbitrate. When the arbitration is real-time on-line arbitration, information (which can include evidence) can be sent electronically by telephone, fax, video and via computer (e-mail) when available, etc. When the arbitration is off-line, at least some of the information can be sent on-line by electronic communications.

It should be fully noted, that the system provides the ability of the non-judicial dispute resolution in the present case to respond to an election by one or more of the parties to move to a different non-judicial dispute resolution procedure regardless of the one which is chosen first. The election to go to a different resolution procedure can be made, for example, because the first method chosen has not succeeded.

Thus, one or more of the parties can enter into a bid-style negotiation which may not succeed; advance to a mediated (on or off-line); and/or move to an on or off-line arbitration proceeding. This entire procedure can be conducted seamlessly, that is to say without re-entry of data previously provided. Moreover, by command of the parties, information relating to value of demands and bids can be kept confidential as the parties proceed from one resolution procedure to another. Consequently, a case manager can take advantage of a full range of non-judicial dispute resolution techniques and have the ability to fully manage the case in each, and in all, of the different procedures selected.

While any fee structure can be provided for accessing and using the present invention, a preferred embodiment contemplates a fee structure which financially encourages each of the parties to resolve the dispute. One such structure

requires each party to pay a certain amount to participate in the resolution proceeding(s). Thus, the plaintiff must pay a fee for submission of each demand and the defendant must pay a fee for submission of each offer. These fees can also be graduated to correspond to the financial magnitude of the dispute, e.g., a "dog bite" case to a serious injury or even a death case. A variety of schemes can be employed, but this feature of the invention financially rewards resolution and financially penalizes non-resolution fee structure.

The present invention also includes separate aspects of the system which are unique to managing and conducting non-judicial dispute resolution, such as the system for managing the non-judicial dispute resolution separately (another aspect of it is the electronic architecture for managing non-judicial dispute resolution). Furthermore, the present invention includes the concept of maintaining an on-line real-time updated database for managing non-judicial dispute resolutions which includes the management module configured as described above, e.g., to receive, sort and store dispute resolution data and to provide internal continuous compilation of the data into searchable records. This management module can be updated in response to changes or additions to said compilation of data.

Other aspects of the present invention include, separately, a system for managing non-judicial dispute resolution which includes an electronic interface along with multiple types of access to an electronic architecture as described hereinabove.

The present invention also includes a method of managing non-judicial dispute resolution by providing and maintaining an electronic interface having multiple types of access to an electronic architecture as fully described hereinbefore.

Another aspect of the method of the present invention includes managing non-judicial disputes by providing an accessible architecture set forth above, receiving dispute resolution data from one or more of the parties, storing the data and prompting the parties to implement the full range of non-judicial dispute resolution procedures as also described hereinbefore.

The present invention also includes a method of managing non-judicial dispute resolutions by accessing an architecture having non-judicial dispute resolution data stored therein and retrieving data relating to the dispute, reviewing the stored data to determine if an action is needed, and selecting a plurality of selectable choices and action to be performed with respect to the data.

As a result of the present invention, disputants are able to call upon a full range of dispute resolution techniques without the necessity of engaging in the judicial process. Tremendous advantages are available as a result of this new innovation.

For example, parties no longer are required to avail themselves of the services of counsel. This advantage reduces significantly the cost associated with resolving disputes. Furthermore, in the event the parties do not retain attorneys, at least two additional personalities to the emotional and psychological mix of a dispute would be eliminated, thereby reducing the time usually associated with resolving a dispute.

Another advantage realized as a result of the present invention is that organizations charged with the duty of resolving disputes, e.g., insurance companies, claims departments, law firms, etc. are now able to manage and conduct non-judicial dispute resolution without the necessity of having to provide a complete on-site installation of a non-judicial case management infrastructure. Such infra-

structure usually includes docketing systems, electronic (e.g., computer) tracking and reminder systems, etc. The present invention also reduces the need for personal communication between advocates which are required in the absence of such a non-judicial dispute resolution system.

Another advantage of the present invention is the ability to actively negotiate a high volume of cases in a short period of time the present invention virtually eliminates the need to retrieve and review individual "hard copy" files of cases.

Thus, applicants have described what are believed to be some of the advantages of the present invention, but other advantages will be realized in view of the following detailed description and drawings provided hereto. The scope of the invention is set forth in the claims which follow the detailed description.

BRIEF DESCRIPTION OF THE DRAWINGS

These and other features and advantages of the present invention will now be described with reference to the drawings of certain preferred embodiments, which are intended to illustrate and not to limit the invention, and in which:

FIG. 1 is a block diagram of the system of the present invention;

FIG. 2 is a block diagram of the architecture of the system of the present invention;

FIG. 3 is a flow chart of the steps for accessing the system of the present invention and various management options available to a user accessing the system; and

FIG. 4 is a flow chart of the process for adding a dispute, and the data related thereto, into the system of the present invention.

DETAILED DESCRIPTION

The present system enables a party to avail itself of a complete system for managing and engaging in non-judicial dispute resolution. In a preferred embodiment, a party can even enhance its ability to successfully settle a dispute in a non-judicial setting by accessing dispute-settlement information made available by the present invention.

A party can access the inventive system by connecting with it electronically such as, for example, through a web site maintained on the internet. In order to initialize participation in system, biographical information is provided by the user (party) which the system identifies by category, verifies, when appropriate, records as part of its management function, and correlates, when appropriate, to a user code identifying such party. The system, in turn, issues identifying indicia, e.g., account number, user name, password, etc.

Although the purposes of description herein the English language is used at the interface for directions, instructions, prompts, results, etc., the present system is not limited by language and can be adapted to be in any language and/or dialect. Furthermore, the description herein relies on U.S. dollars in its examples, but the present invention is not constrained in scope to a single currency, and can be adapted a for use with any currency.

When the party is an organization such as a company, a law firm, municipality, and individual, the system can, as a part of its management function, provide different levels of identification and use.

Thus, a party inputs data corresponding to a non-judicial dispute resolution, the system sorts, organizes and compiles the data, and enables the party to avail itself of a full range

of non-judicial dispute resolution procedures. The system also allows users of the system to organize data corresponding to multiple disputes, manage that data into a form selected by the user, and generate reports based on the data from one or more disputes that have been input into the system to which they are a party. In a preferred embodiment, the present system allows parties to disputes to effectively and efficiently input, sort, organize and manage the data corresponding to disputes, and resolve disputes via the internet.

A dispute, as defined in the present invention, relates to a disagreement or other adversarial relationship between two or more parties. As referred to herein, the parties to a dispute are divided into two main classifications, a submitting party, which is the party who initiates the dispute, and the responding party, which is the party against whom the dispute is directed and is invited to participate in the non-judicial dispute resolution process. Either the submitting or responding party can be plaintiff or defendant.

In one management aspect of the present invention, the submitting party and the responding party access the system and manage all data records which are related to any and all disputes, whether settled or not settled, in which they are parties.

In an operational aspect of the present system, the submitting party and the responding party to a particular dispute can take part in a bid style negotiation by entering consideration into the system for the purpose of reaching a settlement of the dispute. If and when the bidding process does not resolve the dispute, the parties can continue without interruption to other non-judicial dispute resolution procedures, e.g., on or off-line mediation, arbitration, etc. Alternatively, a party can initiate the process using another technique and subsequently engage the bid-style, if desired. These and other aspects of the present invention will be described in greater detail below. The present invention is hereinafter described for use as an internet web-based system. It will be evident to one skilled in the art that, given the following detailed description, that the present invention can be modified for use with any interconnected network which is linked together by a standard set of protocols (such as TCP/IP and HTTP) to form a distributed network. While this type of network is commonly referred to as the Internet, the present invention is contemplated for use with all variations which may be made to the internet in the future, including changes and additions to standard protocols.

Preferably, the present system is accessed by the user via a web browser, such as that described above, which is capable of communicating with the web site or home page which supports and provides access to the architecture of the present system. Typically, the web browser of the user is resident within a user terminal which has a CPU, monitor, keyboard and mouse. The user instructs the web browser to seek out and display the web site of the present invention. When the web server is accessed, the web site for the present system is displayed.

Further, the system of the present invention can be accessed by providing a "hot link" embedded within the web site of another entity. With this arrangement, a user, who is actively viewing the web site of another entity, can easily select the "hot link" corresponding to the present system. A "hot link" as defined in the present invention can be an embedded URL code or other indication means which, with its selection, instructs the web browser of the user to seek out a specified web page(s) which interact with the present system. This "hot link" feature is especially useful when the

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web site of another entity is engaged in a business where disputes may occur, such as, for example, a web site which sells goods or services. The purchaser, vendor or web site entity itself may wish to provide access to the present system via a "hot link" as an avenue for submitting, organizing and managing the data related to the dispute, and for possibly conducting an on-line settlement of that dispute. The management capabilities of the present system with relation to organizing, sorting and compiling the data relating to disputes will be useful for web site entities in tracking and reporting the disputes that have arisen out of activities originating from their web site. The reporting and organizing of this data will enable the web sites to determine if problems exist with any one particular customer or vendor and their goods or services.

After the user accesses the web site and it is displayed, if the user is a new user to the system, they are directed to register with the system to obtain an account number, a username and a password. During the registration process, the user is requested to input relevant biographical information such as, name, address, phone number, e-mail, etc. Once the registration data has been submitted to the system, the system reviews the information and confirms the validity of the entered data. Review of the registration data can be effectuated by the system itself, by an additional dedicated physically distinct computer system, or by an actual system staff member. As will be appreciated by those skilled in the art, other forms of registration may be used, including but not limited to regular mail and electronic mail.

If an invalid registration is detected, for example, one which was entered solely out of curiosity, the registration may be deleted from the system so as to free-up system resources. Once the information submitted to the system is verified, the username and password are activated for that user and that user can then access the system.

If a user accessing the system already has a username and password, they can proceed to sign-in. A user attempting to sign-in to the system is prompted to enter a valid username and password. When a valid username and password are entered, the user is given access to the system's management and dispute resolution capabilities.

Referring now to the drawings, FIG. 1 shows one embodiment of the system of the present invention. The system, generally referred to as 1, is configured for access by one or more user terminals (UT₁, UT₂, UT₃ . . . UTₙ). The user terminals can be directly linked to the system, or, preferably are linked to the system via the Internet 2. Preferably, the present invention resides on a state of the art, high-performance computer server connected to the Internet via a high speed communications line. However, it is contemplated that the present system can be configured for access via other forms of electronic or wireless communication, such as, radio frequency, microwave, UHF and other frequencies selected from the electromagnetic spectrum.

The system of the present invention includes an electronic, preferably a computer-based, architecture 3 for managing data relevant to non-judicial dispute resolution, for conducting non-judicial dispute resolution and/or for transmitting dispute resolution data for use in any of the non-judicial dispute resolution procedures. The architecture 3 allows the parties to a dispute to input the data relevant to the dispute, organize, compile and store the data, query the data, update the data with any additional data generated during a resolution procedure via the system, and generate detailed reports for any and all cases with which the party requesting the report is a party.

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Management Module

As is seen with reference to FIG. 2, the architecture 3 of the present invention includes a management module 5 configured to receive, sort and retrievably store dispute resolution data and provide an internal continuous compilation of that data. In response to received data, the management module 5 identifies, sorts, compiles, organizes and stores the data in a queryable, retrievable and transmittable form. In response to received queries, the management module 5 retrieves, sorts and transmits the results of the query to the requestor of the data.

Additionally, the management module 5 is configured to transmit notices to each party to a dispute regarding a change in the status of the dispute, the input of additional data in relation to the dispute, the results of a query of the data contained within management module, or any other information relating to the dispute and/or for transmitting the dispute resolution data to the appropriate entity for mediation and/or arbitration.

The management module 5 is prompted to send the notices/information by an appropriate signal generated in response to receipt of a new dispute, new data for an existing dispute, a query, or a request for the transmission of the data for mediation and/or arbitration. The management module 5 preferably, and as shown in FIG. 2, communicates with the relevant parties to a dispute by sending an e-mail containing the relevant information. It is contemplated, however, that the management module may be configured to send the appropriate notices/information via channels 8 other than, or in addition to e-mail, such as facsimile or regular mail.

For example, in context with the preferred embodiment of the present invention, a dispute is marked as INACTIVE by default upon entry into the system. If a dispute was submitted by a defendant the status of the dispute is set to OPEN by default, indicating that no demands have been placed on it by the plaintiff. If the dispute was submitted by a plaintiff, the status of the dispute is set to NO OFFER by default, indicating that no offers have been placed on it by the defendant.

Further, upon successful retrieval of the dispute, the dispute is marked ACTIVE and the status of the dispute is changed from NO OFFER to OPEN, indicating to the user that demands or offers may be entered on the dispute.

In an effort to provide users of the system with the most up-to-date and pertinent information, the status of the dispute may be changed to Contacted, Initial Offer, Initial Demand, New Offer, New Demand, Final Offer, or Final Demand, to name a few.

The system may also utilize secondary dispute status codes to provide users with a greater level of detailed information. The following secondary dispute status codes may be utilized: Letter Faxed, Left Message, Will Participate, Awaiting Approval, Manual Submit, No Internet, Negotiate Direct, Seeking Policy Limit, Prior Negotiation Failed, Going To Trial, Party Declined, Party Treating, Referred to Mediation, Referred to Arbitration, Limit Reached, Dispute Change, Settled By Parties, Settled by Mediation, Settled by Arbitration, or any other applicable identifying terminology. When a secondary dispute code is changed, the parties are notified.

The use of primary and secondary dispute status codes will allow the users of the system to more efficiently and effectively obtain detailed reporting information because they can sort the dispute data by both primary and secondary dispute status codes.

The management module of the present invention can also provide operational support 7 to be used in connection with the non-judicial proceeding(s). For example, the system can provide reporting services in the event the proceedings require such services, e.g., in the event mediation or arbitration proceedings requiring a "record" are used. The reporting services can be called upon for both on-line and off-line proceedings, and can include stenographic services, and all types of electronic reporting services such as audio, video, etc.

Another operational support available in the present invention is translation services and/or interpretation services. This support can also be rendered on-line or off-line, and can be made available for all types of non-judicial proceedings possible in the present system.

Yet another operational support provided in the management module of the present invention is a vast array of structure settlement arrangements. For example, and not limited hereby, a settlement arrangement can be structured for a pay out over time and/or fully funded by a third party (e.g., lending institution, factor, etc.). Moreover, the structured settlement feature of the invention can be made available at any time before, during, and/or after the non-judicial resolution proceeding(s).

To enable the desired operational support, the user selects the appropriate support needed when accessing the system's management module.

With the continuous compilation, organization and retrievable storage of data by the management module 5, a user can easily access the present system to manage all dispute related data, to facilitate an organized transmission of the data for mediation and/or arbitration, or to actually conduct non-judicial dispute resolution. There are many types of access to the present system. Preferably, access to the system is a tiered level access comprising at least a program manager access and a program user access. The authority given to each type of access will be discussed in greater detail below.

It should be noted that the Program Managers and the Program Users access the system typically for the same account. Generally, the Program Managers are individuals at a company, law firm, municipality, etc. (which can be referred to, along with an individual, herein as an "account") who are responsible for maintaining the account with the present system, such as an office manager or information systems personnel. The Program Users are individuals within these companies, law firms, municipalities, etc., who have authority to settle the disputes, such as attorneys or insurance company representatives. Although this is generally the hierarchy within the system, this does not mean that any one individual can not be both a Program Manager and a Program User.

Program Manager Access

Program Managers manage the Program Users and have access to view and prepare reports for each separate dispute or all disputes submitted for their particular account.

As seen in FIG. 3, when granted access to the system as a Program Manager, the system prompts the user to select from a plurality of selectable actions 24 from a Program Manager Page of the web site. Depending upon the authority given to the Program Manager, the information and selectable actions provided on the Program Manager Page will vary. These selectable actions may include, for example, add 65 additional users 26, modify the existing user data 27, transfer active cases from one user to another user 28, deactivate

users 29, modify any account registration data 30, browse all disputes 31, generate detailed dispute reports for all disputes 32, generate summary reports 33, browse all dispute resolution cases 34, send the system an e-mail 35, and log-off the system 36, and any combination of these actions, or any additional actions which may be provided.

When an action is selected at 25, an appropriate signal is sent to the management module of the system. Upon receipt of the signal, the management module will search the dispute resolution data stored therein for the relevant information, gather that information, sort it into an appropriate form and transmit it to the Program Manager. The relevant information retrieved by the management module will be dependent upon the signal sent by the Program Manager. In other words, each action chosen will be associated with a different query of the dispute resolution data stored within the management module and therefore, retrieve different amounts, quantities and types of information.

In the preferred embodiment of the present system, and as shown in FIG. 3, the Program Manager Page offers the following selectable actions to a Program Manager:
Adding Program Users

Before any Program User may begin to enter disputes into the system, they must be given access to the system by the Program Manager. The Program Manager licks on the "Add User" icon 26 on the Program Manager Page to access the Add User Form. The Add User Form prompts the Program Manager for the input of relevant Program User information such as name of the user, department, telephone number, e-mail address, etc.

After entering all relevant user information, the Program Manager clicks on the "Submit" icon in the Add User Form. After submitting the information, a confirmation screen appears indicating that the individual has been added to the system as a Program User and displays their user name and password. The password may be randomly generated by the system itself, or it may be selected by the Program Manager. This information is then provided to the Program User so that he or she may access the system.
Modifying Program Users

The Program Manager may update Program User data at any time. The Program Manager clicks on the "Modify User" icon 27 on the Program Manager Page to access a Program User List, sorted by User Last Name and User First Name. By clicking on any Program User listed, an Update User Form appears. Within this form, the Program Manager may update and change any and all data previously entered for a Program User. After the appropriate changes have been made, the Program Manager may save those changes by clicking on the "Submit" icon within the form. Thereafter, the Program Manager is notified that the changes have been saved.
Transferring Active Disputes From one Program User to Another

It may be necessary at some point to transfer active disputes from one Program User to another Program User. This may be because the Program User has been terminated or is no longer with the account, or that the Program User is no longer handling dispute activities. Active disputes are those disputes which are either entered by or assigned to a Program User wherein the status does not indicate that the dispute has expired, settled or did not settle. A more detailed discussion of the status of a dispute will be provided below.

Transferring disputes from one Program User to another may also be used when a Program User has changed from one department to another within the company, or firm.

When a person changes departments, they may be added to the system as a "new" Program User with all of their original data, except with a different listed department. All disputes may then be transferred from the "old" Program User to the "new" Program User, even though they are the same User. The "old" User may then be deactivated (discussed in greater detail below). This procedure allows for the movement of Program Users from one department to another while, at the same time, retaining historical data on the disputes assigned to the "old" User and department.

To transfer disputes, the Program Manager clicks on the "Transfer Cases" icon **28** on the Program Manager Page to access the Transfer Disputes List. The Program Manager then clicks on the Program User from whom they wish to transfer a dispute(s). If there are no cases to transfer, a message will appear indicating such. If there are disputes which can be transferred, a Program User to Transfer Disputes To List appears. To avoid improper selection of a Program User to transfer disputes to, the identical Program User selected is not displayed on this list. The Program Manager then clicks on the applicable Program User to transfer the dispute. Thereafter, the Program Manager will be notified that the dispute(s) have been successfully transferred from one Program User to another.

Deactivating Program Users

The Program Manager may deactivate a Program User at any time. For example, a Program User who has no active disputes may be deactivated. To deactivate a Program User, the Program Manager clicks on the "Deactivate User" icon **29** on the Program Manager Page to access the Deactivate User List. From this list, the Program Manager clicks on the Program User they wish to deactivate. If the Program User selected still has an active dispute a message will appear indicating such, and no action will be allowed to be taken. If the Program User has no active disputes within the system, a message will be shown to the Program Manager indicating that the Program User has been deactivated.

Modifying Account Registration Data

The Program Manager may, at any time, update the account registration data. This may be necessary if address, telephone, fax number, Program Manager, billing contacts, etc., have changed. The Program Manager clicks on the "Account Data" icon **30** on the Program Manager Page to access the Update Registration Form. After the appropriate changes are made, they are saved by clicking on the "Submit" icon within the form. Thereafter, a message will appear indicating that the changes have been saved.

Browsing Account Disputes

This feature allows the Program Manager to browse and sort all disputes that have been submitted to the system by all Program Users within an account. To browse the account data, the Program Manager clicks on the "Browse Disputes" icon **31** on the Program Manager Page to access the Browse Disputes List. Preferably, the Browse Disputes List is displayed to the Program Manager as sorted by Dispute Status. The system, however, can be configured to have the list sorted by any desired criteria.

To display the dispute list by another category, the Program Manager can simply click on the "Sort By" icon. Thereafter, the list can be sorted by any category available, such as dispute, caption, status, claimant, defendant, etc. Additionally, the Program Manager can sort the list by multiple categories simultaneously, if desired. After choosing the sort order, the list will be sorted and displayed accordingly.

Additionally, the Program Manager may also click on the "Find Dispute" icon to find a particular dispute. Thereafter,

a Find Dispute Form will appear. The Program Manager then inputs characters in any or all of the fields in the Find Dispute Form so that the system can locate the dispute. The fields displayed for searching are, for example, dispute, caption, claimant, defendant, etc. By clicking on the "Submit" icon within the form, the system is prompted to search for any matching disputes and display only those disputes which match the entered characters.

Further, at any time the Browse Dispute List is displayed, detailed data on any particular dispute may be displayed by clicking on that particular dispute.

Generating Detailed Account Reports

Program Managers can also create a viewable and printable detailed account report on all disputes submitted by all users within the account. Clicking on the "Reports" icon **32** causes the Report Form to be displayed. By selecting various criteria and sort orders, virtually any variation of a report may be generated.

The criteria used to generate the account reports may include, in a bodily injury dispute for example, the following: all departments/one particular department, all Program Users/one particular Program User, all opposing parties/one particular opposing party, all dispute types/one particular dispute type, all venues/one particular venue, all injury types/one particular injury type, all primary body parts injured/one particular primary body part injured, all disputes/only active disputes, etc. For other types of disputes, other relevant criteria may be used to generate account reports.

Further, the sort order may be arranged in any desired manner, such as, for example, department/Program User/ dispute; Program User/dispute; department/Program User/ status; Program User/status; department/Program User/ dispute type; Program User/dispute type; opposing party/ claim; and opposing party/status. The system, however, enables the requested information to be arranged and displayed in any desired order. After the Report is generated, the Program Manager can print the Report.

Generating Summary Account Case Reports

Program Managers may further elect to create viewable and printable summary reports on all cases submitted by all users within the account. Clicking on the "Summaries" icon **33** causes the Summary Report Menu to be displayed.

The Program Manager may elect to view summary statistics sorted, subtotaled and totaled by any of the following qualifying criteria including, but not limited to: user within department, user, dispute type, primary injury, primary body part injured, venue, opposing party, or any other qualifying criteria within the system. The Program Manager may also elect to view summary statistics based on any combination of the following quantifying criteria including, but not limited to: number of disputes, number of disputes activated, number of disputes engaged, number of disputes settled, percentage of disputes settled, total monetary value of disputes settled, average monetary value of disputes settled, or any other quantifying criteria within the system.

Browsing All Dispute Resolution Cases

As stated above, dispute resolution data can be entered into the system, organized, sorted, compiled and transmitted to the appropriate personnel for use in mediation and/or arbitration proceedings.

To browse the mediation and arbitration cases, the Program Manager clicks on the "All Cases" icon **34** on the Program Manager Page to access the All Cases List. By default, the list is sorted by Case Status. The sorting criteria, however, may be changed to provide a display customized to the Program Manager's particular needs.

Similar to the browsing of account disputes, the Program Manager clicks on the "Sort By" icon to sort the list. Thereafter, the system displays the information requested in the sort order requested. Further, the Program Manager can sort the list by multiple categories simultaneously, if desired. After choosing the sort order, the list will be sorted and displayed accordingly.

Additionally, the Program Manager may also click on the "Find Case" icon to find a particular case. Thereafter, a Find Case Form will appear. The Program Manager then inputs characters in any or all of the fields in the Find Case Form so that the system can locate any mediation or arbitration cases which match the input characters. The fields displayed for searching are, for example, case type, caption, claimant, defendant, etc. By clicking on the "Submit" icon within the form, a signal is sent to the management module instructing it to retrieve any matching mediation or arbitration cases and transmit those cases to the Program Manager.

Further, at any time the All Case List is displayed, detailed data on any particular case may be displayed by clicking on that particular case.

Analyzing Hearing Officers for Mediation(s) and/or Arbitration(s)

The Program Manager may select to analyze settlement data for all mediation and/or arbitration cases for a particular Hearing Officer. The data analyzed may include settlement amounts, award data, case status, case type, etc. This will allow program managers to analyze the performance of particular Hearing Officers with respect to particular case types, or any other information available.

Sending an E-Mail

The Program Manager may click on the E-Mail icon 35 from the Program Manager Page at any time to send an E-Mail to the system administrative department. When the E-Mail icon is selected, the system will automatically set the "Send To" field in users E-Mail program to the assigned e-mail address for the system administrative department.

Logging Off

The Program Manager may also choose to "Log Off" the system from the Program Manager Page. To do this, the Program Manager simply clicks on the Log Off icon 36.

Preferably, the present system is designed to automatically log off any Program Manager who has not clicked the mouse or pressed any key on the keyboard for a pre-set period of time, e.g., 30 minutes. This automatic log off is setup in order to free resources to other Program Managers (or Program Users) who may be actively using the system. When automatically logged-off, a Program Manager simply needs to log-in again in order to continue working with the system.

Program Manager as Program User

Additionally, and as shown in FIG. 3, the Program Manager may be provided with access to the system as a Program User 37. When given such authorization, the Program Manager may access the Program User Page and all actions 38 given to a Program User. Use of the system as a Program User is described in detail below.

Program User Access

Those persons who are given access to the system as a Program User are typically the persons who submit disputes and the data related thereto into the system. However, and as stated above, a Program Manager may also be given access to the system as a Program User.

Program Users are provided with access codes comprising a user name and a password. Once provided, a Program User

can then log-on to the system. As seen in FIG. 3, when granted access to the system as a Program User, the user is presented with various selectable options 38 from a Program User Page of the web site. Depending upon the authority given to the Program User, the information and selectable options provided on the Program User Page will vary. These selectable options may include, for example, add a dispute 40, respond to a dispute 41, browse disputes 42, generate summary reports 43, generate dispute reports 44, send the system an E-Mail 45, log off 46, or any other options with which the Program User may be allowed to utilize.

When an option is selected at 39, an appropriate message is sent to the management module of the system. Upon receipt of the message, the management module will search the dispute resolution data stored therein for the relevant information, gather that information, sort it into an appropriate form and transmit the same to the Program User. The relevant information retrieved by the management module will be dependant upon the message sent to it by the Program User. In other words, each option chosen will be associated with a different query of the dispute resolution data stored within the management module and therefore, retrieve different amounts, quantities and types of information.

In the preferred embodiment of the present system as shown in FIG. 3, the Program User Page offers the following selectable options to a Program User.

Add and Negotiate a Dispute

Adding (or submitting) disputes to the system is the primary activity for a Program User. Program Users begin the process of adding a dispute by clicking on the Add Dispute icon 40 from the Program User Page.

As shown in FIG. 4, after a Program User selects to add a dispute 40, they are then prompted to select a profile classification 58 as either a plaintiff or a defendant.

After selecting the appropriate profile, the user is then prompted to select at 60, from a displayed general list 59, the nature of the dispute. The general nature of the dispute can be a general dispute, a bad loan, a business transaction, construction, contract, credit card, foreclosure, labor and employment, landlord/tenant, lender liability, partnership agreement, personal injury, professional liability, purchase and sale transaction, rental agreement, intellectual property, subrogation, worker compensation, or any other cause of action recognized by a judicial system, whether in the United States or abroad.

Thereafter the Program User is prompted by the system to select an Opposing Party at 61 from a list generated from the data stored in the management module, or a new Opposing Party whose data is not yet entered into the system.

Opposing Parties are those individuals, firms or companies who have accounts with the system or who have been users of the system. The present system is designed such that every time a Program User within a particular account adds a new dispute to the system, data on both the Opposing Party and an individual person representing that Opposing Party is retained within the management module of the system. This retaining of information is done for a number of reasons.

First, if an additional dispute is added to the system for that Opposing Party, the data corresponding to that party or individual will not need to be re-entered, but rather simply selected. This process of retaining the data will save the user time in entering disputes into the system. Further, the retained data is made globally available to all users of the account when entering a new dispute.

In addition, by selecting companies and firms as well as individuals within those companies and firms from a list,

reports may be generated based on those Opposing Parties. This is particularly advantageous in determining which Opposing Parties respond to dispute submissions and the analysis of disputes settled with those Opposing Parties.

Next, the Program User is prompted at 62 to enter additional dispute information such as name of case and reference numbers, etc. The type of dispute information requested will depend upon the dispute type selected. For example, if the general nature of the dispute is personal injury, then additional information requested would be information such as injury type, venue, primary body parts injured, etc.

Additionally, for certain types of disputes, computer generated assist displays will be provided. For example, if the general nature of the dispute chosen was personal injury as stated above, then a body parts injured display can be selected by clicking on an icon. This display will assist the users in identifying the body parts injured by displaying a human skeleton from which they may select any number of body parts involved in the dispute.

Next, if the Program User wishes to utilize the dispute resolution capabilities of the present system, they can begin that procedure by selecting to settle via the system at 63, as shown in FIG. 4. The procedure for settling a dispute via the system will be described in greater detail below with reference to the reckoning module directions.

When selecting to utilize the resolution capabilities of the system, the user is prompted at 66 to enter an initial demand if profiled as a plaintiff, or an initial offer if profiled as a defendant.

Next, the system can display at 67, additional system options which can be selected or entered at 68 by the party submitting the dispute. The additional system options which may be selected by the submitted party will be described in greater detail throughout the present specification.

Otherwise, if the Program User submitting the dispute wishes to use the management capabilities of the system to organize the dispute data and submit the same for mediation and/or arbitration, they can simply submit the above-entered information to the management module at 64 for sorting, compiling, organization, storing and notification 65 to the opposing party and appropriate mediation or arbitration personnel.

Whether the Program User submitting the dispute chooses to negotiate the dispute via the system or transmit the entered data for mediation and/or arbitration, after all relevant data corresponding to the dispute is entered, the Program User then submits the data to the management module at 64 for identification, sorting, organizing and storing by clicking on the Submit icon. Before the dispute resolution data is finally submitted, however, the Program User submitting the dispute (whether profiled as a plaintiff or a defendant) is preferably prompted to review all the entered data before it is finally submitted to the management module. By presenting the Program User with this secondary review, the Program User has the opportunity to review the accuracy of the entered data and make any changes which may be required. If all of the information is correct, the Program User then clicks on the Submit icon to finally send the data to the management module of the system. The Program User will then receive an indication that the dispute has been properly saved.

Once a dispute is entered into the system, several actions begin. As seen in FIG. 4, a notice is sent to the opposing party at 65 indicating that a dispute soliciting their response has been entered into the system. The opposing party is contacted by letter, e-mail or any other means available. The opposing party is provided with a user code and dispute code so that they may access the system via the web site. Unless the opposing party responds, additional follow-up notices may be sent.

Optionally, the Program User submitting the dispute into the system may also mark the dispute as a priority. This option invokes additional notification services from the system. The system will normally inform the opposing party of a submitted dispute via regular mail. If a dispute is marked as a priority, administrative personnel for the system will attempt to contact the opposing party directly, in addition to the mailed notice, in order to actively persuade them to activate and engage the dispute.

Additionally, the party submitting the dispute may set the time limit the opposing party has to respond. When a party enters a dispute into the system they can specify the maximum number of days the dispute may be negotiated before the negotiation process is automatically terminated. If the expiration date of the dispute is set to 60 days from the date of entry, the dispute status will be changed to expired if there is no response from the opposing party within 60 days.

Responding to a Dispute

After the opposing party receives notification that a dispute has been entered into the system, they can respond to the submitted dispute in several ways. Before responding, however, the opposing party must have their access code and dispute code. Without these, the opposing party cannot access the system. The opposing party, with access and dispute code in hand, uses the web browser of their computer to locate and retrieve the web site for the present system as described above. After accessing the web site, the responding party is prompted to either utilize the settle-only access (if not already a Program Manager/User of the present system), register a new account with the system and establish themselves as a Program Manager/User, or indicate that they are not interested in utilizing the present system to conduct negotiations of any kind. Each of the aspects to these options will be discussed in greater detail below.

Upon entry of a valid access code and a dispute code, the management module will send all dispute resolution data corresponding to these input codes to the reckoning module for application of the pre-selected criteria. The process of applying the pre-selected criteria will be discussed in greater detail with respect to the reckoning module below.

Further, the responding party (whether plaintiff or defendant) may not agree to utilize the present system to resolve the dispute. If the responding party so desires, they may click on the "Not Interested" icon. If the responding party is not interested, the present system will notify the submitting party via e-mail that the responding party is not interested in negotiating via the system.

Once all parties agree to resolve the dispute via the present system, each may access the dispute at any time to either enter a new demand or offer, or simply to see if your adversary has entered a new demand or offer. Before the demand/offer is submitted to the reckoning module, however, the responding party will be prompted by the system for a final review of the dispute data and demand/offer amount to ensure accuracy. If the data is accurate, the responding party then finally submits the demand/offer. The system will then determine if the dispute is resolved or not resolved based upon the pre-selected criteria within the reckoning module.

The system is designed such that either party does not need to wait until their adversary enters a new demand or offer in order for them to enter additional demands or offers, they can enter as many demands or offers as they deem appropriate.

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Forwarding Data for Mediation and/or Arbitration

In addition to, or instead of, utilizing the present system to resolve a dispute via the criteria within the reckoning module, the parties may choose to have the dispute forwarded for mediation or arbitration. If this route is chosen, all information entered into the system will be forwarded to the appropriate personnel by the management module for mediation or arbitration.

If the parties mutually agree to allow their dispute to be decided by mediation or arbitration, all parties would then have an opportunity to submit arguments, information and proof, to a mediator or arbitrator. In accordance with the present invention, such information is preferably submitted to the mediator or arbitrator via a network communication channel, such as wireless communication, the Internet or any suitable equivalent thereof. The mediator or arbitrator would then review the respective positions and issue a decision to both parties.

Further, the mediation and/or arbitration can be a real-time on-line mediation or arbitration, or can be an off-line mediation or arbitration. Preferably, the parties submit arguments, information, proof, and any other evidence to be considered by the mediator or arbitrator via the Internet. The parties may also include offers and demands with the dispute information submitted.

When this process is done in real time, the mediator or arbitrator can request additional information or explanation from a party, should such further information or explanation be required.

A full discussion of all the mediation and arbitration variations is beyond the scope of this application and need not be discussed in detail herein. Important to the present invention is the ability to access the non-judicial "management and procedure" and to move uninterrupted, i.e., seamlessly, from one technique to another using the information previously provided while making a full range of procedures available to the users.

Browsing Program User Disputes

Similar to the Program Managers, Program Users, in addition to adding and negotiating a dispute as described above, may also manage the data entered for a dispute and the new data generated during the dispute process. This feature allows the Program User to browse and sort all disputes that they have submitted or that they are a party. To browse the data, the Program User clicks on the "Browse Disputes" icon **42** on the Program User Page to access the Browse Dispute s List. Preferably, the Browse Disputes List is displayed to the Program User as sorted by Dispute Status. The system, however, can b e con figured to have the list sorted by any desired criteria. To display the dispute list by another category, the Program User can simply click on the Sort By icon. Thereafter, the list can be sorted by any category available, such as dispute; caption, status, claimant, defendant, etc. Additionally, the Program User can sort the list by multiple categories simultaneously, if desired. After choosing the sort order, the list will be sorted and displayed accordingly.

Additionally, the Program User may also click on the "Find Dispute" icon to find a particular dispute. Thereafter, a Find Dispute Form will appear. The Program User then inputs characters in any or all of the fields in the Find Dispute Form so that the system can locate the dispute. The fields displayed for searching are, for example, dispute, caption, claimant, defendant, etc. By clicking on the "Submit" icon within the form, the system is prompted to search for any matching disputes and display only those disputes which match the entered characters.

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Further, at any time the Browse Dispute List is displayed, detailed data on any particular dispute may be displayed by clicking on that particular dispute.

Generating Detailed Dispute Reports

Program Users can also create a viewable and printable detailed dispute report on all disputes that they have entered or that they are a party. Clicking on the "Reports" icon **44** causes the Report Form to be displayed. By selecting various criteria and sort orders, virtually any variation of a report may be generated.

The criteria used to generate the dispute reports may include, but is not limited to, the following: all opposing parties/one particular opposing party, all dispute types lone particular dispute type, all venues/one particular venue, all injury types/one particular injury type, all primary body parts injured/one particular primary body part injured, all disputes/only active disputes, etc.

Further, the sort order may be arranged in any desired manner, such as, for example, claim; status; dispute type; opposing party/claim; opposing party/status; and opposing party/dispute type. The system, however, enables the requested information to be arranged in any desired order. After the Report is generated, the Program User can print the Report.

Generating Summary Dispute Reports

Program Users may further elect to create viewable and printable summary reports on all disputes which they have submitted or in which they are a party. Clicking on the Summaries icon **43** causes the Summary Report Menu to be displayed.

The Program User may elect to view summary statistics sorted, subtotaled and totaled by any of the following qualifying criteria, including, but not limited to: dispute type, primary injury, primary body part injured, venue, opposing party, or any other qualifying criteria within the system. The Program User may also elect to view summary statistics based on any combination of the following quantifying criteria, including but not limited to: number of disputes, number of disputes activated, number of disputes engaged, number of disputes settled, percentage of disputes settled, total monetary value of disputes settled, average monetary value of disputes settled, or any other quantifying criteria within the system.

Analyzing Hearing Officers for Mediation(s) and/or Arbitration(s)

The Program User may select to analyze settlement data for all mediation and/or arbitration cases for a particular Hearing Officer. The data analyzed may include settlement amounts, award data, case status, case type, etc. This will allow program users to analyze the performance of particular Hearing Officers with respect to particular case types.

Sending an E-Mail

The Program User may click on the E-Mail icon **45** from the Program User Page at any time to send an E-Mail to the system administrative department. When the E-Mail icon is selected, the system will automatically set the "Send To" field in users E-Mail program to the assigned e-mail address for the system administrative department.

Logging Off

The Program User may also choose to "Log Off" the system from the Program User Page. To do this, the Program User simply clicks on the Log Off icon **46**.

Preferably, the present system is designed to automatically log off any Program User who has not clicked the mouse or pressed any key on the keyboard for a pre-set period of time, most preferably 30 minutes. This automatic log off is set-up in order to free resources to other Program

Users (or Program Managers) who may be actively using the system. When automatically logged-off, all Program Users simply need to log-in again in order to continue working with the system.

Administrative Access

Due to the nature of the present system, there is an Administrative Personnel Access Function. When granted access as an administrative personnel, the user is presented with a plurality of selectable choices 47. Administrative Personnel Access and the selectable choices are shown in FIG. 3, and include informing opposing parties of disputes submitted to the system which request their response 52, informing parties of settled disputes 53, generate activity reports 49, generating priority dispute lists 54, marking disputes active 51, providing billing information to the system billing department 55, generating Account Summary Reports 50 and generating Audit Reports 56 to ensure that the system is functioning properly, or any combination of these choices.

These functions are performed by system personnel by logging onto a web site designated to allow performance of the systems administrative functions. Once properly logged on, these choices appear.

Where appropriate, administrative personnel can select to view the records within a specified data range. When selecting Activity Report 49, for example, a Date Range Form appears. After entering valid Date Range values, and clicking on the Submit icon within the screen, a Report will be generated to the screen listing, on separate pages, a list of new disputes submitted within the date range with all data necessary to inform opposing parties of those disputes, a list of all disputes settled within the date range with all data necessary to inform parties of those disputes settled, a list of new disputes submitted which are marked as priority within the date range with all data necessary to inform opposing parties of those disputes on a prioritized basis, a list of disputes to be forwarded for mediation or arbitration that have either not settled or expired within the date range which were marked for forwarding for mediation or arbitration, and a list of amounts to be billed, along with all information on parties to be billed for disputes that have either settled, did not settle, or expired within the date range.

When selecting Summary Statistics 50, for example, the Date Range Form also appears. After entering valid date range values, and clicking on the Submit icon within the screen, a report will be generated to the screen listing, on separate pages, summary reports indicating settlement statistics for all accounts & disputes.

Typically, the dispute details will be absent from the summary reports because this report is used mainly for ensuring that disputes are settled properly from a technical perspective.

When selecting Activate Dispute 51, an Activate Dispute Form appears. After entering a valid dispute identification and clicking on the Submit icon within the screen, an Activate Dispute Confirmation Screen will appear. Upon clicking the Submit icon within the Form, the dispute will then be marked ACTIVE in the system and, if applicable, the expiration date of the dispute will be set to 60 days from the activation date.

Settle Only Access

If the opposing party is not registered and only wishes to settle the dispute with the present system, they simply enter

both the access and dispute codes for the particular dispute they wish to negotiate and select "settle-only" access.

As can be seen in FIG. 3, upon entry of a valid access code, dispute code and selection of "settle-only" access, the responding party will be given access to the system for purposes of settlement only and will not be given access to the management capabilities of the system. All information input by the responding party, however, will be routed through the management module for organizing, sorting, compiling and storing for use by the submitting party, and possible use by the responding party should they decide to register with the system at a later date.

Thereafter, the management module will send all dispute resolution data corresponding to the input access and dispute codes to the reckoning module. Since a responding party choosing to utilize the settle-only access will not be given access to any of the management module capabilities, the system will display only the relevant dispute resolution data to the settle only access user. This display will notify the settle only access user of the present status of the dispute, any recent activity, etc. For example, if the dispute has already expired or has been settled or did not settle, the settle only access user will be notified of the same by the system. Additionally, the system will list any dates and amounts of demands/offers entered for the dispute, if any, and the settlement date and amount in the event the dispute was resolved. If the dispute has been resolved or has expired, no further demands/offers will be allowed to be placed.

As opposed to merely attempting to settle the dispute via the system, a settle only access user responding to a submitted dispute may choose to register a new account with the present system. The various benefits of registering an account are that the responding party will be given the ability to perform detailed and summary reporting, the ability to manage multiple disputes from a single account without having to enter an access code and dispute code for each separate dispute (aside from the initial retrieval of a newly entered dispute to which they received notification), and the ability to actually submit disputes onto the system.

As stated above, all information and data entered into and generated by the reckoning module by a settle only access user is transmitted to the management module for identification, sorting, compiling and storage.

Reckoning Module

Returning to FIG. 2., and as stated above, the architecture 3 of the present system also includes a reckoning module 6 connected to the management module 5 for receipt of the non-judicial dispute resolution data in response to a request for implementing a dispute resolution procedure via the system. The reckoning module 6 utilizes pre-selected criteria and applies that criteria to the input dispute resolution data to effectuate a resolution of the dispute, and thereafter transmits any new data generated during the resolution procedure to the management module 5 for sorting, compiling, and retrievable storage with related data stored therein.

In response to the input of a valid access code and dispute code, the management module sends all dispute resolution data corresponding to the input access and dispute codes to the reckoning module. The system will display all relevant information regarding the dispute to the parties. For example, the display will notify the parties of the present status of the dispute, any recent activity, etc. For example, if the dispute has already expired or has been settled or did not settle, the parties will be notified of the same by the system.

Additionally, the system will list any dates and amounts of demands/offers entered for the dispute, if any, and the settlement date and amount in the event the dispute was resolved. If the dispute has been resolved or has expired, no further demands/offers will be allowed to be placed.

If the dispute has not yet been resolved or has not expired, the parties will be prompted to place a demand/offer (depending upon their profile as either a plaintiff or a defendant). If no previous demand/offer had been placed on the dispute, the parties will be asked to enter their initial demand/offer. If an initial demand/offer has already been placed for the dispute, the parties will be prompted to enter a subsequent demand/offer. This process will continue until the dispute is resolved according to the pre-selected criteria within the reckoning module or the time limit for resolving the dispute expires.

Once a demand and an offer (depending upon whether the responding party is a plaintiff or a defendant) has been entered for a submitted dispute, the system then applies the pre-selected criteria within the reckoning module.

Further, each time a party enters a demand or offer into the system, the status of the dispute will be changed accordingly. The system employs a method for notifying the user of the status of the dispute by organizing the disputes entered into the system into certain color-coded categories. For example, those disputes highlighted in yellow indicate that the user was the last person to enter a demand or offer and that the dispute will expire within ten (10) days if not settlement is reached; disputes listed in red indicate that the opposing party was the last party to enter a demand or offer into the system and that the dispute expires within ten (10) days if no settlement is reached; and disputes listed in blue indicate to the user that the opposing party was the last party to enter a demand or offer into the system, but that the dispute will not expire within ten (10) days.

The reckoning module of the present system may invoke any number of pre-selected criteria to resolve a dispute. Preferably, the system is setup to utilize bid-style negotiations, or, as stated above, simply forward the input dispute resolution data to an appropriate third party for mediation or arbitration.

Bid-style negotiations can take place either "closed" or "open". Closed bids are not made known to the opposing party(ies), while "open" bids are made known to the opposing party(ies). Each of the scenarios set forth herein can be made to apply in an "open" or "closed" condition.

During closed negotiations, the parties are not able to view the other party's demands or offers. The parties only see the resolution amount if and when the dispute is resolved. This option is particularly useful so as to not give away your position to your adversary.

During open-bid negotiations, one party will be able to view the other party's demand or offer, but only after they first enter a demand or an offer. For example, if the defendant submits the dispute and enters an initial offer, the system will not disclose the defendant's offer to the plaintiff until the plaintiff enters an initial demand. If the dispute is resolved, the parties will be informed of the resolution amount. If the dispute is not resolved, the parties will be so advised. Thereafter, the defendant will not learn the amount of the plaintiffs initial demand until he or she enters another offer. Negotiations can continue until the dispute is resolved or until one party decides they are no longer interested in learning how much the other party has demanded or offered.

The details of how the reckoning module of the system can resolve a dispute are as follows.

Bid-Style Negotiations

The system can effectuate a settlement via bid-style negotiations, then, after the dispute resolution module, the reckoning module may forwarded to the reckoning module, the reckoning module may compare the input demand to the input offer as follows:

if $Y \leq X$, then the dispute will settle for Y;

if $Y > X$ and $Y \leq (X+30\%)$, then the dispute will settle for $(X+Y)/2$;

if $Y > (X+30\%)$, then the dispute will not settle;

wherein:

X=the defendant's offer, and

Y=the plaintiff's demand.

In other words, for the above example, the dispute will (1) settle for the value of the plaintiff's demand if the plaintiff's demand is below the value of the defendant's offer; (2) settle for the average between the plaintiff's demand and the defendant's offer if the plaintiff's demand is within 30% of the defendant's offer; or (3) not settle if the plaintiff's demand is above 30% of the defendant's offer.

The above algorithm can be varied by changing the percentage applied to the defendant's offer. Preferably, the percentage applied to the defendant's offer is from about 5% to about 35%. Additionally, the percentage applied to the defendant's offer can be set by the Program User, typically the defendant, or preferably set as a default percentage by the system.

Further, the above bid-style negotiation may be repeated an unlimited number of times. That is, the plaintiff and the defendant may continue to negotiate until the dispute is resolved or negotiations are terminated. When repeated, the above algorithm is applied to the plaintiff's last entered demand and the defendant's last entered offer. Take the following situations for example:

EXAMPLE 1

EXAMPLE 1

Date	Who	Action	Amount	Result
01/18	Plaintiff	Initial Demand	$20,000	n/a
01/25	Defendant	Initial Offer	$10,000	Did Not Settle
01/28	Plaintiff	New Demand	$18,000	Did Not Settle
02/05	Defendant	New Offer	$15,000	Settled for $16,500

In Example 1, the dispute settled because the last demand ($18,000) was within 30% of the last offer ($15,000). It settled for $16,500, the average of the last offer ($15,000) and the last demand ($18,000).

EXAMPLE 2

EXAMPLE 2

Date	Who	Action	Amount	Result
03/05	Plaintiff	Initial Demand	$12,000	n/a
03/18	Defendant	Initial Offer	$8,000	Did Not Settle
03/27	Plaintiff	New Demand	$8,500	Did Not Settle
04/05	Defendant	New Offer	$9,000	Settled for $8,500

In Example 2 above, the dispute settled because the last demand ($8,500) was below to last offer ($9,000). It settled for $8,500, the amount of the last demand.

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EXAMPLE 3

EXAMPLE 3

Date	Who	Action	Amount	Result
02/05	Plaintiff	Initial Demand	$80,000	n/a
02/10	Defendant	Initial Offer	$40,000	Did Not Settle
02/20	Plaintiff	New Demand	$75,000	Did Not Settle
02/25	Plaintiff	New Demand	$70,000	Did Not Settle
03/01	Defendant	New Offer	$50,000	Did Not Settle
03/05	Defendant	New Offer	$60,000	Settled for $65,000

In Example 3, the dispute settled because the last demand ($70,000) was within 30% of the last offer ($60,000). It settled for $65,000, the average of the last offer ($60,000) and the last demand ($70,000). Please note that Example 3 above illustrates that either a plaintiff or a defendant may enter a demand or an offer at anytime they wish and they do not have to wait until the opposing party responds. When a party enters consecutive offers or demands, the system will utilize the last entered offer or demand for comparison.

Further, bid-style negotiations can be setup to resolve a dispute by prompting the user to input either an initial demand (for a user profiled as a plaintiff) or a high value and a low value to establish a resolution range (for a user profiled as a defendant). These input amounts will be used by the system to calculate whether the dispute is resolved.

When using the above resolution range embodiment, the dispute will (1) settle for the amount of the plaintiff's demand if the demand is between the high value and the low value of the defendant's resolution range; (2) settle for the low value of the defendant's resolution range if the plaintiff's demand is less than or equal to the low value of the resolution range; or (3) not settle if the plaintiff's demand if above the high value of the defendant's resolution range.

This embodiment can also be repeated an unlimited number of times. That is, the plaintiff and the defendant may continue to negotiate until the dispute is resolved or negotiations are terminated by either party. When repeated, the defendant enters a high value and a low value for each repetition and the plaintiff enters a demand for each repetition.

Alternatively, the system can be setup to automatically calculate a defendant's resolution range from a single entered value for each round. The system can either use the entered value as a median value, low value or high value and apply an appropriate percentage to that value to arrive at a resolution range.

Additionally, the system can be setup to keep the low value of the resolution range at a fixed value. For example, when the defendant enters an initial offer, the low value of the resolution range will be set to 50% less than the initial offer entered, and the high end will be set to the initial offer. During subsequent repetitions, the low value of the range will not change and will be set to the value previously calculated, however, the high end will be changed to the offer entered for that repetition.

For example, if the defendant entered $10,000 as an initial offer, the system would calculate the resolution range as $5,000 to $10,000. The low end of the range will remain the same for each subsequent repetition ($5,000) and the high end of the range will be established as the subsequent offer entered.

Further, the user may choose an auto-negotiate option. If the auto-negotiate option is chosen, the system will calculate the demands/offers entered for each round based upon

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certain criteria. When the user selects the auto-negotiate option, the system will prompt the user to input certain criteria which will enable the system to make a decision as to the demands/offers to be made. The criteria prompted to be entered may include the following: i) the number of offers/demands the user would like to make, ii) the consideration they would like to increase or decrease with each successive repetition of negotiations, iii) the time period they would like between the submission of demands/offers, and any other similar criteria. This option may be selected by the defendant, plaintiff, both or neither.

For example, if the defendant selects the auto-negotiate option, then the defendant would be prompted to enter additional information which they would like the system to consider when making offers. The defendant could enter a single offer and an amount with which to increase that offer for each repetition. This option could also be used in conjunction with the different pre-selected criteria used to effectuate a settlement as discussed above.

Optionally, the system may also employ the use of a "silent mediator" feature, electronic or otherwise. This feature operates in the last repetition of negotiations if there was a set limit to the number of repetitions, or to demands/offers identified as final demands/offers. With the "silent mediator" feature, the dispute will settle for the average of the demand and the high value of the resolution range if the demand is within a specified percentage of the high value of the resolution range. In other words, the dispute will only not settle if the demand is higher than the high value of the resolution range for any repetition other than the most recent, and above the high value of the most recent established resolution range plus the specified percentage. With this feature, the system assumes that the parties would truly wish to resolve the dispute if they knew they were within the specified percentage of each other at the end of the negotiation process.

The specified percentage is preferably from about 5% to about 30%. Additionally, the specified percentage may be set by the system or chosen by one or more of the parties to the dispute.

If, after application of any of the above criteria, the dispute does not settle, the party entering the demand/offer will be informed of such and prompted to either enter another demand/offer (if the demand/offer entered was not a final or last repetition demand/offer), or log-off the system. Should the user opt to enter another demand/offer they may do so and the process as outlined above will be repeated. If the user wishes to log-off the system they will be returned to the home page of the web site.

Preferably, and to facilitate resolution of the dispute, the system may require that parties profiled as defendants increase offers for each repetition of negotiations by a minimum of a predetermined percentage, such as 5% of the prior offer. Similarly, the system may require that parties profiled as plaintiffs decrease their demands by a minimum of a predetermined percentage, such as 5% of the prior demand. In other words, if you are the plaintiff, and your last demand was $100,000, your next demand may be required to be $95,000 or less ($100,000–5% is $95,000). Similarly, if you are the defendant and your last offer was $90,000, your next offer may be required to be $94,500 or higher ($90,000+5% is $94,500).

Further, the system preferably applies a fee structure for accessing and using the system. While any fee structure can be provided for accessing and using the present invention, a preferred embodiment contemplates a fee structure which

financially encourages each of the parties to resolve the dispute. One such structure requires each party to pay a certain amount to participate in the resolution proceeding(s). Thus, the plaintiff must pay a fee for submission of each demand and the defendant must pay a fee for submission of each offer. These fees can also be graduated to correspond to the financial magnitude of the dispute, e.g., a "dog bite" case to a serious injury or even a death case. A variety of schemes can be employed, but this feature of the invention financially rewards resolution and financially penalizes non-resolution by fee structure.

Further, before either the defendant or the plaintiff enters an offer or a demand into the system, they are preferably prompted to review a Negotiation Agreement. If they agree to the terms of the Agreement, they then click on the Agree icon and are thereafter bound by the terms and conditions of the Agreement. If this option is utilized, and the parties do not agree to the terms and conditions, they are not allowed to enter demands or offers onto the system. This review of a Negotiation Agreement is preferably prompted to every party before the entering of demands or offers.

The parties to the dispute may also have the option of entering a maximum settlement amount (for defendants) or a minimum settlement amount (for plaintiffs). If a maximum settlement amount is entered, the system will prohibit a defendant from entering a settlement offer that may result in a settlement that exceeds the selected maximum amount. Conversely, if a minimum settlement amount is entered, the system will prohibit the plaintiff from demanding an amount that may result in a settlement that is less than the selected minimum amount. If a user enters a prohibited amount, the system will reject the amount and request the user to enter an appropriate value or amend their maximum or minimum settlement amount.

The system may also utilize a negotiating safeguard. Specifically, after a user enters an offer or a demand, the system will prompt the user inquiring as to whether or not the user wishes to enter that particular amount, further modify the amount, or not enter the amount at all. This safeguard further ensures that either party has a sufficient time to contemplate and/or modify their demand or offer before entry, thereby decreasing the possibility of erroneous entry.

The parties to the dispute may also be given the option of entering a "final demand" (plaintiff) or "final offer" (defendant) at one time during the negotiation process. This is accomplished by clicking on the "final demand" or "final offer" icon on the bid submission screen.

If the defendant selects the "final offer" option, the system will automatically calculate the exact amount the defendant can offer so that the maximum settlement amount possible on the dispute (calculated in accordance with the systems settlement criteria) will be equal to the maximum possible settlement amount.

If the claimant selects the "final demand" option, the system will automatically calculate the exact amount the claimant can enter so that the minimum settlement amount possible on the dispute (calculated in accordance with the systems settlement criteria) will be equal to the minimum possible settlement amount.

Once a party (plaintiff or defendant) has selected the "final demand" or "final offer" option, they are prevented from entering any further offers or demands for the dispute. In addition, the dispute status will be changed to "final offer" or "final demand" and the other party will be notified of the change.

After all information is entered into the system in an attempt to resolve the dispute, the information entered and generated by the reckoning module is transmitted to the management module for identification, sorting, compiling and storage.

Claims-data Storage and Retrieval System

Further, Program Managers of the present system will be given the option of utilizing a claims-data storage and retrieval system. If a user chooses to use the storage and retrieval system, the data for all of the disputes for that particular user will be forwarded by the management module to a claims-data storage and retrieval system 20, as shown in FIG. 2. The claims-data storage and retrieval system will further sort, compile, arrange and store the forwarded data with the data from all other data in the system in a queryable form. Thereafter, all users who have forwarded data will have access to the claims-data storage and retrieval system via the management module 5 of the system 1. All users who have forwarded data will be able to enter a query to the management module for a search of the storage and retrieval system.

For example, in personal injury cases, users of the storage and retrieval system can query the storage and retrieval system data to ascertain the average settlement values for all disputes entered into the system based on venue, type of injury and/or body part injured. To keep certain information confidential, the users will not have access to specific dispute information, such as the parties' names, attorneys' names or claim or dispute numbers.

The forwarding of data to this storage and retrieval system will enable the users of the present system to better determine a fair value for a claim based on current and past statistical data. This feature will lead to a more efficient negotiation process wherein defendants will be able to quickly and easily ascertain the value of certain claims.

Software Packages

Preferably, the present invention is designed for use with the following software packages, or their equivalent: Microsoft Windows NT Server 4.0 with Internet Information Server 3.0 (IIS), Allaire ColdFusion 4.0 Server and Studio, Microsoft Visual Foxpro 6.0 (alternatively, Microsoft SQL Server 7.0 Enterprise), Seagate Crystal Reports, Expert Systems Ease Telephony System, and the like. A full discussion of these and other related software packages is beyond the scope of this application. However, brief explanations as to how the above-mentioned packages are utilized by the present system are noted below.

The Microsoft Windows NT Server 4.0 with Internet Information Server 3.0 (IIS 3.0) allows the server to operate and involves setting user access rights and monitoring system performance. IIS 3.0 allows for the web hosting features related to Windows NT and allows internet users to access the present system.

Allaire ColdFusion 4.0 Server and Studio software is a web hosting program which complements IIS 3.0. It specializes in handling the management module features of the present system, such as, for example, adding, updating, deleting and retrieving data in the management module. Coldfusion processes requests from the system and translates them into instructions that IIS 3.0 can understand. IIS 3.0 processes those instructions and returns the results back to Coldfusion.

Microsoft Visual Foxpro 6.0 (alternatively, Microsoft SQL Server 7.0 Enterprise) is a relational database manage-

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ment system. This, and other similar software, stores all data for to the system. IIS 3.0 and Coldfusion communicate with this software via the Open Database Conductivity (ODBC) services feature offered in Windows NT.

Seagate Crystal Reports is a database report generating software package. This software outputs information to HTML format files utilized during communication with the internet. This software works in tandem with the ODBC feature of Windows NT.

Expert Systems Ease Telephony System is a telephony platform as well as a development system. This package allows for the routing of incoming calls to the system and also communicates with the data files via the ODBC feature of Windows NT.

The ability of the system of the present invention to manage and compile all information related to the dispute enables the substantially seamless progression from bid-style negotiations to mediation to arbitration. Additionally, the sorting, compiling, organizing and storage capabilities of the present system allow the parties to choose between some or all of the above-outlined resolution procedures, and in any order they desire.

Thus, while the foregoing detailed description has disclosed what is presently believed to be the preferred embodiments of the invention, those skilled in the art will appreciate that other and further changes and modifications can be made without departing from the scope or spirit of the invention, and it is intended that all such other changes and modifications are included in and are within the scope of the invention as described in the appended claims.

What is claimed is:

1. A system for managing non-judicial dispute resolution comprising:

an electronic architecture which receives, sorts, and stores data related to non-judicial dispute resolution for implementation and management of a full range of non-judicial dispute resolution procedures between two or more adverse parties to a dispute, said architecture comprising:

a management module configured to receive, sort and store said dispute resolution data and to provide an internal continuous compilation of said data and new data generated during said non-judicial dispute resolution procedures; and

a reckoning module connected to said management module for receipt of said dispute resolution data, said reckoning module designed to implement a selected resolution procedure and to transmit to said management module new data generated during said resolution procedure.

2. A system as described in claim 1 wherein said system is accessible via the Internet.

3. A system as described in claim 2 wherein said system is accessed via a link embedded within a web site of another entity.

4. A system as described in claim 1 wherein said system is accessible via electronic communication.

5. A system as described in claim 1 wherein said system is accessible via wireless communication.

6. A system as described in claim 5 wherein said wireless communication is selected from the group consisting of radio frequency, microwave, UHF and other frequencies selected from the electromagnetic spectrum.

7. A system as described in claim 1 wherein said system provides access in response to biographical data input by at least one of said parties to said dispute.

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8. A system as described in claim 7 wherein said access is provided upon verification of said biographical data.

9. A system as described in claim 8 wherein said biographical data comprises at least one or more of an account number, username, and password.

10. A system as described in claim 7 wherein said access is a tiered level access comprising at least a program manager access and a program user access.

11. A system as described in claim 10 wherein program manager access includes a plurality of selectable actions.

12. A system as described in claim 11 wherein said plurality of selectable actions is selected from the group consisting of adding additional users, modifying existing user data, transferring active cases from one user to another user, deactivating users, modifying account registration data, browsing all disputes, generating detailed dispute reports, generating summary reports of all disputes, browsing all dispute resolution cases, and any combination of one or more of said actions.

13. A system as described in claim 12 wherein said management module provides relevant data to said program manager in response to an action selected by said program manager.

14. A system as described in claim 10 wherein said program user access includes a plurality of selectable options.

15. A system as described in claim 14 wherein said plurality of selectable options is selected from the group consisting of adding a dispute, responding to a dispute, browsing disputes, generating dispute reports, and generating summary reports, and any combination of one or more of said options.

16. A system as described in claim 15 wherein said management module provides relevant data to said program user in response to an option selected by said program user.

17. A system as described in claim 7 further comprising administrative personnel access.

18. A system as described in claim 17 wherein said administrative personnel access includes a plurality of selectable choices.

19. A system as described in claim 18 wherein said plurality of selectable choices is selected from the group consisting of informing parties of disputes submitted to the system which request their response, informing users of settled disputes, marking disputes active, generating priority dispute lists, generating activity reports for the system, providing billing information, generating summary reports for any or all accounts within the system, generating audit reports to ensure that the system is functioning properly, and any combination of one or more of said choices.

20. A system as described in claim 19 wherein said management module provides relevant data to said administrative personnel in response to a choice selected by said administrative personnel.

21. A system as described in claim 7 further comprising settle-only access.

22. A system as described in claim 21 wherein said management module provides relevant data to said reckoning module in response to providing settle-only access.

23. A system as described in claim 22 wherein said system displays only said relevant data to said settle-only access user.

24. A system as described in claim 1 wherein said management module further provides operational support to be used in connection with said non-judicial dispute resolution procedures.

25. A system described in claim 24 wherein said operational support is selected from the group consisting of

reporting services, translation services, interpretation services, structure settlement arrangements, and any combination of one or more of said operation supports.

26. A system as described in claim 1 wherein said architecture further comprises a claims-data storage and retrieval system.

27. A system as described in claim 26 wherein said storage and retrieval system retains data relating to dispute resolution and enables retrieval of said data by categories.

28. A system as described in claim 27 wherein said categories are selected from the group consisting of descriptive nature of the dispute, settlement amount, venue, type of injury, body part injured, sex, age, occupation, and any combination of one or more of said categories.

29. A system as described in claim 26 wherein said storage and retrieval system is accessed by a user who agrees to provide data from said management module which relate to all disputes associated with said user.

30. A system as described in claim 29 wherein said storage and retrieval system data is confidential.

31. A system as described in claim 1 wherein said full range of non-judicial dispute resolution procedures comprise bid-style negotiations, mediation, and arbitration, which are provided as a substantially seamless array of procedures.

32. A system as described in claim 31 wherein said management module provides relevant data to said reckoning module in response to a dispute resolution procedure selected by one of said parties to said dispute.

33. A system as described in claim 32 wherein said non-judicial dispute resolution procedure is a bid-style negotiation.

34. A system as described in claim 33 wherein said bid-style negotiation is a closed-bid negotiation.

35. A system as described in claim 33 wherein said bid-style negotiation is an open-bid negotiation.

36. A system as described in claim 33 wherein said system provides a profile promptor to said party selecting said dispute resolution procedure, said profile promptor prompting said party to select a profile.

37. A system as described in claim 36 wherein said profile is selected from the group consisting of plaintiff and defendant.

38. A system as described in claim 37 wherein said system provides a negotiating promptor to said plaintiff and said defendant, said negotiating promptor prompting said plaintiff to enter a demand and said defendant to enter an offer.

39. A system as described in claim 38 wherein said reckoning module employs a pre-selected criteria, said pre-selected criteria comparing said entered demand and said entered offer to determine if said dispute is resolved.

40. A system as described in claim 39 wherein said system sends a notification to said plaintiff and said defendant if said dispute is resolved.

41. A system as described in claim 39 wherein said pre-selected criteria resolves said dispute:

a) for the value of said demand if said demand is less than said offer; or

b) for the average between said demand and said offer if said demand is within a pre-selected percentage of said offer.

42. A system as described in claim 41 wherein said pre-selected percentage is from about 5% to about 35%.

43. A system as described in claim 39 wherein said offer includes a high value and a low value, said high value and said low value establishing a resolution range.

44. A system as described in claim 43 wherein said pre-selected criteria resolves said dispute:

a) for the value of said demand if said demand is between said high value and said low value of said resolution range; or

b) for said value of said low value of said resolution range if said demand is less than or equal to said low value.

45. A system as described in claim 44 wherein said low value is a fixed value and said high value is a changing value.

46. A system as described in claim 39 wherein said reckoning module transmits said new data generated during said resolution procedure to said management module for compiling, sorting and storing.

47. A system as described in claim 31 wherein said non-judicial dispute resolution procedure is a mediation.

48. A system as described in claim 47 wherein said management module provides relevant data to a mediator in response to said mediation selection.

49. A system as described in claim 48 wherein said mediation is a real-time on-line mediation.

50. A system as described in claim 48 wherein said mediation is an off-line mediation.

51. A system as described in claim 31 wherein said non-judicial dispute resolution procedure is an arbitration.

52. A system as described in claim 51 wherein said management module provides relevant data to an arbitrator in response to said arbitration selection.

53. A system as described in claim 52 wherein said arbitration is a real-time on-line arbitration.

54. A system as described in claim 52 wherein said arbitration is an off-line arbitration.

55. A system as described in claim 1 wherein said system further comprises:

a fee structure for accessing and using said system.

56. A system as described in claim 55 wherein said fee structure financially rewards resolution and financially penalizes non-resolution.

57. A system for managing non-judicial dispute resolution comprising:

an electronic architecture which receives, sorts, and stores data related to non-judicial dispute resolution for implementation and management of a full range of non-judicial dispute resolution procedures, said architecture having multiple types of access and further comprising:

a management module configured to receive, sort and store said dispute resolution data and to provide an internal continuous compilation of said data and new data generated during said non-judicial dispute resolution procedures; and

a reckoning module connected to said management module for receipt of said dispute resolution data, said reckoning module designed to implement a selected resolution procedure and to transmit to said management module new data generated during said resolution procedure.

58. A system as described in claim 57 wherein said multiple types of access are chosen from the group consisting of program manager access and program user access.

59. A system as described in claim 58 further comprising administrative personnel access.

60. A system as described in claim 59 further comprising settle-only access.

61. An electronic architecture for managing non-judicial dispute resolution comprising:

a management module configured to receive, sort and store dispute resolution data and to provide an internal continuous compilation of said data;

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a reckoning module connected to said management module for receipt of said dispute resolution data, said reckoning module designed to utilize said received data, implement a said dispute resolution procedure and transmit to said management module new data, if any, generated during said resolution procedure; and

wherein said management module, in response to said transmitted new data, groups, sorts and stores said new data.

62. A system for managing non-judicial dispute-resolution comprising:

an electronic interface, said interface providing multiple types of access to an electronic architecture which receives, sorts, and stores data related to non-judicial dispute resolution for implementation and management of a full range of non-judicial dispute resolution procedures, said architecture comprising:

a management module configured to receive, sort and store said dispute resolution data and to provide an internal continuous compilation of said data and new data generated during said non-judicial dispute resolution procedures; and

a reckoning module connected to said management module for receipt of said dispute resolution data, said reckoning module designed to implement a selected resolution procedure and to transmit to said management module new data generated during said resolution procedure.

63. A system as described in claim 62 wherein said multiple types of access are chosen from the group consisting of program manager access and program user access.

64. A system as described in claim 63 further comprising administrative personnel access.

65. A system as described in claim 63 further comprising settle-only access.

66. A method of managing non-judicial dispute resolution comprising:

providing an accessible architecture which stores non-judicial dispute resolution data and allows said data to be retrieved;

receiving non-judicial dispute resolution data from one or more adverse parties to a dispute;

storing said received data in said architecture; and

prompting said parties to implement a full range of a non-judicial dispute resolution procedures;

wherein said architecture is a tiered level accessible architecture, said tiered level accessible architecture having at least a program manager access and a program user access.

67. A method as described in claim 66 comprising program manager accessing.

68. A method as described in claim 67 further comprising prompting said program manager to select from a plurality of selectable actions.

69. A method as described in claim 68 wherein said plurality of selectable actions is selected from the group consisting of adding additional users, modifying existing user data, transferring active cases from one user to another user, deactivating users, modifying account registration data, browsing all disputes, generating detailed dispute reports for one or more disputes, generating summary reports of all disputes, browsing all dispute resolution cases, and any combination of one or more of said actions.

70. A method as described in claim 69 wherein said program manager selects an action whereby relevant data is retrieved from said architecture.

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71. A method as described in claim 66 comprising program user accessing.

72. A method as described in claim 71 further comprising prompting said program user to select from a plurality of selectable options.

73. A method as described in claim 72 wherein said plurality of selectable options is selected from the group consisting of adding a dispute, responding to a dispute, browsing all disputes, generating dispute reports for all disputes, generating summary reports for all disputes, and any combination of one or more of said options.

74. A method as described in claim 73 wherein said user selects an option whereby relevant data is retrieved from said architecture.

75. A method as described in claim 66 further comprising administrative personnel accessing.

76. A method as described in claim 75 further comprising prompting said administrative personnel to select from a plurality of selectable choices.

77. A method as described in claim 76 wherein said plurality of selectable choices are selected from the group consisting of informing parties of disputes submitted to the system which request their response, informing users of settled disputes, marking disputes active, generating priority dispute lists, generating activity reports for the system, providing billing information, generating summary reports for any or all accounts within the system, generating audit reports to ensure that the system is functioning properly, and any combination of one or more of said choices.

78. A method as described in claim 77 wherein said administrative personnel select a choice whereby relevant data is retrieved from said architecture.

79. A method as described in claim 66 further comprising settle-only access.

80. A method as described in claim 66 further comprising:

providing operational support to be used in connection with said non-judicial dispute resolution procedures.

81. A method as described in claim 80 wherein said operational support is selected from the group consisting of reporting services, translation services, interpretation services, structure settlement arrangements, and any combination of one or more of said operational supports.

82. A method as described in claim 66 further comprising:

providing a claims-data storage and retrieval system.

83. A method as described in claim 82 wherein said storage and retrieval system retains data relating to dispute resolution and enables retrieval of said data by categories.

84. A method as described in claim 82 wherein said categories are selected from the group consisting of descriptive nature of the dispute, settlement amount, venue, type of injury, body part injured, sex, age, occupation, and any combination of one or more of said categories.

85. A method as described in claim 82 further comprising providing access to said storage and retrieval system after selecting to forward data relating to all disputes to said storage and retrieval system.

86. A method as described in claim 85 further comprising maintaining storage and retrieval system data as confidential.

87. A method as described in claim 66

wherein said full range of non-judicial dispute resolution procedures comprise bid-style negotiations, mediation, and arbitration, which are provided as a substantially seamless array of procedures.

88. A method as described in claim 87 further comprising implementing a bid-style negotiation.

89. A method as described in claim 88 wherein said bid-style negotiation is a closed-bid negotiation.

90. A method as described in claim 88 wherein said bid-style negotiation is an open-bid negotiation.

91. A method as described in claim 88 further comprising prompting one or more of said parties to said dispute to select a profile.

92. A method as described in claim 91 wherein said profile is selected from the group consisting of plaintiff and defendant.

93. A method as described in claim 91 further comprising prompting one or more of said parties to said dispute to select a nature of said dispute.

94. A method as described in claim 93 wherein said nature of said dispute is selected from the group consisting of loans, business transactions, construction, contracts, credit cards, foreclosures, labor and employment, landlord/tenant, lender liability, partnership agreements, personal injury, professional liability, purchase and sale transactions, rental agreements, intellectual property subrogation, and worker compensation.

95. A method as described in claim 92 further comprising prompting said party implementing said bid-style negotiation to select an opposing party to said dispute, said opposing party being profiled as a defendant if said implementing party is profiled as a plaintiff and profiled as a plaintiff if said opposing party is profiled as a defendant.

96. A method as described in claim 95 wherein said opposing party is identifiable from said data stored within said architecture.

97. A method as described in claim 95 further comprising prompting said party implementing said bid-style negotiation to enter a demand if profiled as a plaintiff or enter an offer if profiled as a defendant.

98. A method as described in claim 97 further comprising notifying said opposing party that said dispute has been submitted and is awaiting their response.

99. A method as described in claim 98 further comprising receiving a response from said opposing party.

100. A method as described in claim 99 further comprising prompting said opposing party to enter a demand if profiled as a plaintiff or enter an offer if profiled as a defendant.

101. A method as described in claim 100 further comprising comparing said entered demand and said entered offer to pre-selected criteria to determine if said dispute is resolved.

102. A method as described in claim 101 further comprising notifying said plaintiff and said defendant if said dispute is resolved or is not resolved.

103. A method as described in claim 101 wherein said pre-selected criteria resolves said dispute:
a) for the value of said demand if said demand is less than said offer; or
b) for the average between said demand and said offer if said demand is within a pre-selected percentage of said offer.

104. A method as described in claim 103 wherein said pre-selected percentage is from about 5% to about 35%.

105. A method as described in claim 101 wherein said offer includes a high value and a low value, said high value and said low value establishing a resolution range.

106. A method as described in claim 105 wherein said pre-selected criteria resolves said dispute:
a) for the value of said demand if said demand is between said high value and said low value of said resolution range; or
b) for said value of said low value of said resolution range if said demand is less than or equal to said low value.

107. A method as described in claim 106 wherein said low value is a fixed value and said high value is a changing value.

108. A method as described in claim 87 further comprising implementing a mediation.

109. A method as described in claim 108 further comprising providing relevant data from said architecture to a mediator in response to said implemented mediation.

110. A method as described in claim 108 wherein said mediation is a real-time on-line mediation.

111. A method as described in claim 108 wherein said mediation is off-line mediation.

112. A method as described in claim 111 wherein at least some evidence for consideration by a mediator are submitted on-line.

113. A method as described in claim 87 further comprising implementing an arbitration.

114. A method as described in claim 113 further comprising providing relevant data from said architecture to an arbitrator in response to said implemented arbitration.

115. A method as described in claim 113 wherein said arbitration is a real-time on-line arbitration.

116. A method as described in claim 113 wherein said arbitration is off-line.

117. A method as described in claim 116 wherein at least some evidence for consideration by said arbitrator is submitted on-line.

118. A method as described in claim 66 further comprising:
providing a fee structure for accessing and using said system.

119. A method as described in claim 118 wherein said fee structure financially rewards resolution and financially penalizes non-resolution.

120. A method of managing non-judicial dispute resolution comprising:
accessing an architecture which stores non-judicial dispute resolution data and allows said data to be retrieved;
inputting non-judicial dispute resolution data for storage in said architecture; and
implementing a full range of a non-judicial dispute resolution procedures;
wherein said architecture is a tiered level architecture, said tiered level architecture having at least a program manager access and a program user access.

121. A method as described in claim 120 further comprising accessing said architecture as a program manager.

122. A method as described in claim 121 further comprising selecting from a plurality of selectable actions so as to retrieve relevant data from said architecture.

123. A method as described in claim 122 wherein said plurality of selectable actions is selected from the group consisting of adding additional users, modifying existing user data, transferring active cases from one user to another user, deactivating users, modifying account registration data, browsing all disputes, generating detailed dispute reports for one or more disputes, generating summary reports of all disputes, browsing all dispute resolution cases, and any combination of one or more of said actions.

124. A method as described in claim 120 further comprising accessing said architecture as a program user.

125. A method as described in claim 124 further comprising selecting from a plurality of selectable options so as to retrieve relevant data from said architecture.

126. A method as described in claim 125 wherein said plurality of selectable options is selected from the group

consisting of adding a dispute, responding to a dispute, browsing all disputes, generating dispute reports for all disputes, generating summary reports for all disputes, and any combination of one or more of said options.

127. A method as described in claim 120 further comprising settle-only access.

128. A method as described in claim 120 further comprising:

selecting to forward data relating to dispute resolution to a claims-data storage and retrieval system.

129. A method as described in claim 128 wherein said storage and retrieval system retains said data relating to dispute resolution and enables retrieval of said data by categories.

130. A method as described in claim 129 wherein said storage and retrieval system categories are selected from the group consisting of descriptive nature of the dispute, settlement amount, venue, type of injury, body part injured, sex, age, occupation, and any combination of one or more of said categories.

131. A method as described in claim 128 further comprising accessing said storage and retrieval system after selecting to forward data relating to all disputes to said storage and retrieval system.

132. A method as described in claim 131 wherein said storage and retrieval system data maintained as confidential.

133. A method as described in claim 120

wherein said full range of non-judicial dispute resolution procedures comprise bid-style negotiations, mediation, and arbitration, which are provided as a substantially seamless array of procedures.

134. A method as described in claim 133 further comprising implementing a bid-style negotiation.

135. A method as described in claim 134 wherein bid-style negotiation is a closed-bid negotiation.

136. A method as described in claim 135 herein said bid-style negotiation is an open-bid negotiation.

137. A method as described in claim 136 further comprising selecting a profile.

138. A method as described in claim 137 wherein said profile is selected from the group consisting of plaintiff and defendant.

139. A method as described in claim 138 further comprising selecting a nature of said dispute.

140. A method as described in claim 139 wherein said nature of said dispute is selected from the group consisting of loans, business transactions, construction, contracts, credit cards, foreclosures, labor and employment, landlord/tenant, lender liability, partnership agreements, personal injury, professional liability, purchase and sale transactions, rental agreements, intellectual property, subrogation, and worker compensation.

141. A method as described in claim 138 further comprising identifying an opposing party to said dispute.

142. A method as described in claim 141 further comprising entering a demand if said selected profile is plaintiff or entering an offer if said selected profile is defendant.

143. A method as described in claim 142 further comprising notifying said opposing party that said dispute has been submitted and is awaiting their response.

144. A method as described in claim 143 further comprising receiving a response from said opposing party.

145. A method as described in claim 144 further comprising receiving a demand from said opposing party in response to an entered offer or receiving an offer from said opposing party in response to an entered demand.

146. A method as described in claim 145 further comprising comparing said demand and said offer to pre-selected criteria to determine if said dispute is resolved.

147. A method as described in claim 146 wherein said pre-selected criteria resolves said dispute:

a) for the value of said demand if said demand is less than said offer; or

b) for the average between said demand and said offer if said demand is within a pre-selected percentage of said offer.

148. A method as described in claim 147 wherein said pre-selected percentage is from about 5% to about 35%.

149. A method as described in claim 148 wherein said offer includes a high value and a low value, said high value and said low value establishing a resolution range.

150. A method as described in claim 149 wherein said pre-selected criteria resolves said dispute:

a) for the value of said demand if said demand is between said high value and said low value of said resolution range; or

b) for said value of said low value of said resolution range if said demand is less than or equal to said low value.

151. A method as described in claim 150 wherein said low value is a fixed value and said high value is a changing value.

152. A method as described in claim 133 further comprising implementing a mediation.

153. A method as described in claim 152 further comprising providing relevant data from said architecture to a mediator in response to said implemented mediation.

154. A method as described in claim 152 wherein said mediation is a real-time on-line mediation.

155. A method as described in claim 152 wherein said mediation is off-line mediation.

156. A method as described in claim 155 wherein at least some evidence for consideration by a mediator are submitted on-line.

157. A method as described in claim 133 further comprising implementing an arbitration.

158. A method as described in claim 157 further comprising providing relevant data from said architecture to an arbitrator in response to said implemented arbitration.

159. A method as described in claim 157 wherein said arbitration is a real-time on-line arbitration.

160. A method as described in claim 157 wherein said arbitration is off-line arbitration.

161. A method as described in claim 160 wherein at least some evidence for consideration by an arbitrator is submitted on-line.

162. A method of managing non-judicial dispute resolution comprising:

accessing an architecture which stores non-judicial dispute resolution data and allows said data to be retrieved;

inputting non-judicial dispute resolution data for storage in said architecture;

implementing a full range of a non-judicial dispute resolution procedures; and

selecting operational support to be used in connection with said non-judicial dispute resolution procedures.

163. A method as described in claim 162 wherein said operational support is selected from the group consisting of reporting services, translation services, interpretation services, structure settlement arrangements, and any combination of one or more of said operational supports.

164. A method of managing non-judicial dispute resolution comprising:

accessing an architecture in response to an implemented non-judicial dispute resolution procedure, said archi-

tecture having non-judicial dispute resolution data retrievably stored therein; and

inputting additional non-judicial dispute resolution data for retrievable storage in said architecture and for use during said implemented resolution procedure;

wherein said architecture is a tiered level architecture, said tiered level architecture having at least a program manager access and a program user access.

165. A method as described in claim **164** further comprising accessing said architecture as a program manager.

166. A method as described in claim **165** further comprising selecting from a plurality of selectable actions so as to retrieve relevant data from said architecture.

167. A method as described in claim **166** wherein said plurality of selectable actions is selected from the group consisting of adding additional users, modifying existing user data, transferring active cases from one user to another user, deactivating users, modifying account registration data, browsing all disputes, generating detailed dispute reports for all disputes, generating summary reports of all disputes, browsing all dispute resolution cases, and any combination of one or more of said actions.

168. A method as described in claim **165** further comprising accessing said architecture as a program user.

169. A method as described in claim **168** further comprising selecting from a plurality of selectable options so as to retrieve relevant data from said architecture.

170. A method as described in claim **169** wherein said plurality of selectable options is selected from the group consisting of adding a dispute, responding to a dispute, browsing all disputes, generating dispute reports for all disputes, generating summary reports for all disputes, and any combination of one or more of said options.

171. A method as described in claim **165** further comprising settle-only access.

172. A method as described in claim **165**

wherein said implemented non-judicial dispute resolution procedure comprises one or more of bid-style negotiations, mediation, and arbitration.

173. A method as described in claim **165** further comprising:

selecting from a plurality of selectable choices so as to retrieve relevant data from said architecture;

wherein said selectable choices are selected from the group consisting of informing parties of disputes submitted which request their response, informing parties of settled disputes, marking disputes active, generating priority dispute lists, generating activity reports, providing billing information, generating summary reports for any or all accounts, generating audit reports, and any combination of one or more of said choices.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.   : 6,766,307 B1   Page 1 of 1
DATED   : July 20, 2004
INVENTOR(S) : Israel et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is
hereby corrected as shown below:

Column 12,
Line 26, now reads "licks on the"; should read -- clicks on the --.

Column 19,
Line 47, now reads "Browse Dispute s List."; should read -- Browse Disputes List. --
Line 49, now reads "b e con figured"; should read -- be configured --.
Line 50, now reads "criteria. To display"; should read -- criteria.
¶ To display --.
Line 53, now reads "dispute; caption,"; should read -- dispute, caption, --.

Column 20,
Line 13, now reads "types lone"; should read -- types/one --.

Column 22,
Line 28, now reads "expired, no:"; should read -- expired, no --.

Column 28,
Line 19, now reads "retrieval system"; should read -- retrieval system 20 --.

Column 37,
Line 34, now reads "135 herein said"; should read -- 135 wherein said --.

Column 40,
Line 16, now reads "selelting from"; should read -- selecting from --.
Line 17, now reads "retriere relevant data"; should read -- retrieve relevant data --.

                                        Signed and Sealed this

                              Twenty-eighth Day of September, 2004

                                        JON W. DUDAS
                          Director of the United States Patent and Trademark Office

US 20030014265A1

(54) **ONLINE DISPUTE RESOLUTION METHOD AND SYSTEM**

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(57) **ABSTRACT**

A method and system for performing online dispute resolution ("ODR") via a central ODR Web site. Two ODR processes are disclosed. First, a NEGO-MED-ARB System provides an integrated negotiation, mediation and arbitration dispute resolution solution to customers and merchants conducted online. The NEGO-MED-ARB System enables an authorized merchant to link its e-commerce Web site to the dispute resolution services centralized on the ODR Web site. The link is performed by a distinctive, recognizable Trust Mark displayed on the e-commerce Web site and identifying the ODR services; a consumer browsing the e-commerce Web site hyperlinks to the ODR Web site by clicking on the Trust Mark. The ODR Web site then provides an online framework for the parties to exchange information and proposed solutions for resolving their dispute. Qualified mediators/arbitrators are appointed to resolve disputes online which the parties are unable to settle by themselves. Second, a Negotiation/Mediation/Arbitration System provides ODR services to any parties who agree to use it. A contract clause providing for such an agreement is made available on the ODR Web site for parties to insert in their contracts. The parties may agree to use one or more ODR services, including negotiation, mediation or arbitration; the mediation and arbitration is performed online by qualified mediators and arbitrators.
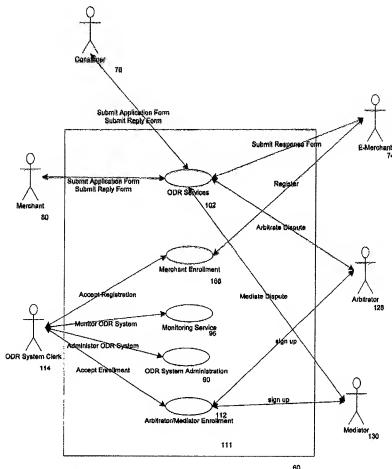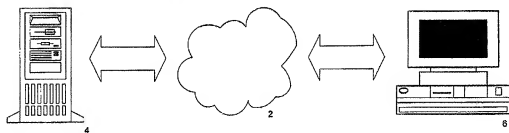
Fig. 1A

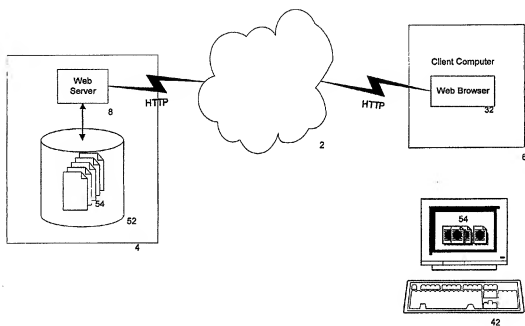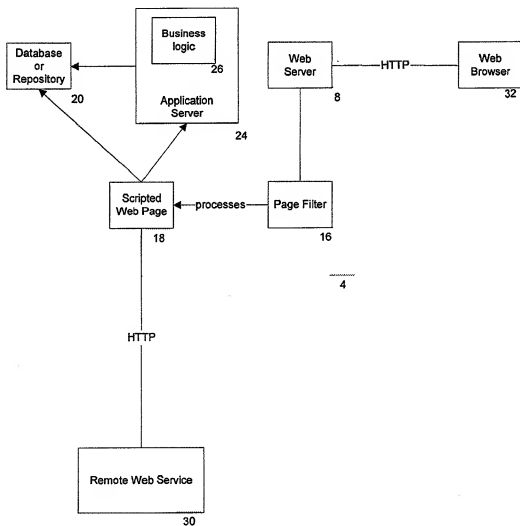**Fig. 1B**

Fig. 1C

Business
logic
26

Application
Server
24

Database
or
Repository
20

Web
Server
8

HTTP

Web
Browser
32

6

Scripted
Web Page
18

processes

Page Filter
16

4

HTTP

Remote Web Service
30

Fig. 1D

Fig. 2A

Consumer
76

Submit Application Form
Submit Reply Form

Submit Response Form

E-Merchant
74

Submit Application Form
Submit Reply Form

ODR Services
102

Register

Merchant
80

Arbitrate Dispute

Merchant Enrollment
108

Accept Registration

Mediate Dispute

Arbitrator
128

Monitor ODR System

Monitoring Service
96

Administer ODR System

sign up

ODR System Clerk
114

Accept Enrollment

ODR System Administration
90

Arbitrator/Mediator Enrollment
112

sign up

Mediator
130

111

60

Fig. 2B

Fig. 3A

```
                    ┌──────────┐
                    (   Start   )
                    └──────────┘
                          │
                          ▼
        ┌──────────────────────────┐
        │                          │
        │    Negotiation System    │
        │                          │
        └──────────────────────────┘
                          │    145
                          │
                          ▼
        ┌──────────────────────────┐          ┌──────────────────────────┐
        │                          │          │                          │
        │     Mediation System     │          │   Parallel Negotiation System   │
        │                          │          │                          │
        └──────────────────────────┘          └──────────────────────────┘
                          │    147                                    151
                          │
                          ▼
        ┌──────────────────────────┐
        │                          │
        │     Arbitration System   │
        │                          │
        └──────────────────────────┘
                          │    149
                          │
                          ▼
                    ┌──────────┐
                    (   Start   )
                    └──────────┘
```

Fig. 3B

Merchant
Accesses ODR
System Web site

182

Merchant Reviews NEGO-MED-
ARB System Rules and Terms of
Use of Trust Mark

184

Merchant Agrees to Rules and
Use Terms, Pay Fee, and Enrolls
as Merchant-Partner

186

System Program Creates User
Account for Merchant-Partner,
and Provides Private Merchant-
Partner Web Space

188

Merchant-Partner
Accesses Private
Web Space

190

Merchant-Partner
Displays Trust Mark at
E-Commerce Website

192

Trust Mark
Operates as
Hyperlink to ODR
System Web site

194

Fig. 3C(1)

Fig. 3C(2)

205 Merchant-Partner

209

203 ODR System

207

201 Customer

Customer logged 240

Determine whether user accessed site by clicking trust mark 248

No

Yes

Select Merchant-Partner from List 250

File Application Form 252

Pay Fee 258

Validate Payment 260

Upload Application Documents 254

Validate Application Form 262

Form valid and payment captured? 266

Yes

Submit Application Form 256

Send notification of incompleted submission 276

No

Application Submission Accepted 270

Stop check case filing time limit 272

Reception of notification on incompleted submission 278

Fig. 3C(3)

Fig. 3C(4)

Fig. 3C(5)

Merchant-Partner 205

- Merchant-Partner prepare for Mediation 416
- Upload case documents 468
- Send Notification ready to proceed 463

209

ODR System 203

- Reception of notification of Merchant-Partner ready to proceed 462

- The 2 parties are ready 466

No

- Check Mediation time limit 468

- Time limit expired 470

Yes → Yes → Mediator Appointment 480 → Mediator appointed 482

No

- Stop check Mediation time limit 476

207

- Reception of notification of Customer ready to proceed 454

Customer 201

- Customer prepare for mediation 390
- Add comments to case 450
- Send Notification ready to proceed 452

Fig. 3C(6)

Fig. 3C(7)

Fig. 3D

Second Party — 533

ODR System — 203

Mediator — 481

First Party — 531

Reception of agreement proposal — 642

Agree with proposal — 644

Yes

File (Agreement) Form — 650

Submit (agreement) — 652

No

Agreement valid — 654

Yes

Notify that proposition has been accepted — 658

Case terminated — 660

Send (agreement) proposal — 640

Yes

Valid Proposal — 636

No

Reception of Proposal — 634

Notify that the proposition has been rejected — 646

Reception of Notification that an agreement has been reached — 664

No

Second Party want to make an agreement proposal — 536

First Party want to make an agreement proposal — 534

Make (agreement) proposal — 630

Submit (Proposal) — 632

Reception of Notification that the proposition has been rejected — 648

Reception of Notification that an agreement has been reached — 666

Fig. 3E

Prospective
Mediator
Accesses
Enrollment Form
670

Prospective
Mediator Submits
Completed
Enrollment Form
672

Enrollment Form
Accessed by
Selection Council
674

Selection Council
Reviews
Enrollment Form
676

Selection Council
Approves Request and
Mediator Entered into
Arbitrator/Mediator
Database
678

Arbitrator/Mediator
Database Queried
For Mediator
Appointment
680

Mediator Matched
and Selected
682

Mediator Notified
of Selection
684

No

Mediator
Declaration of
Independance
686

Mediator Accepts
Appointment
Within Time Frame
688

Yes

Mediator
Appointed
690

480

B-57

Fig. 4A

Fig. 4B

Prospective
Mediator/Arbitrator
Accesses
Enrollment Form
800

Prospective
Mediator/Arbitrator
Submits
Completed
Enrollment Form
802

Enrollment Form
Accessed by
Selection Council
804

Selection Council
Reviews
Enrollment Form
806

Selection Council Approves
Application and Mediator/
Arbitrator Entered into
Arbitrator/Mediator Database
808

Challenge
Accepted
832

Arbitrator/Mediator
Database Queried For
Mediator/Arbitrator
Appointment
810

Yes

Parties and
Mediator/Arbitrator
are notified of the
decision
830

No

Mediator/Arbitrator
Matched and
Selected
812

Selection Council
Reviews
Challenging Party
arguments
828

Mediator/Arbitrator
Notified of
Selection
814

Challenging party
submits
arguments
826

No

Yes

Mediator/Arbitrator
Declaration of
Independance
816

Appointment
Challenged by
parties
824

No

Mediator/Arbitrator
Appointed
836

Mediator/Arbitrator
Accepts Appointment
Within Time Frame
818

Yes

Notify Mediator/
Arbitrator
Appointment to
Parties
822

ONLINE DISPUTE RESOLUTION METHOD AND SYSTEM

FIELD OF THE INVENTION

[0001] This invention relates to alternative dispute resolution ("ADR") services and, in particular, to a computer-implemented system and method of providing online dispute resolution ("ODR") services over a computer network.

BACKGROUND

[0002] The growth of the Internet as a means for transacting in goods and services ("e-commerce") is well known. The increase in disputes arising from e-commerce is also well known. Certain complexities characterize disputes arising in e-commerce that are not normally related to disputes arising in ordinary transactions. For instance, it is not uncommon for two parties to reside in different countries where different legal standards apply to the same transaction. In this situation, no legal remedy generally exists or is expected, and the parties to the e-commerce transaction typically rely upon each other's good will. In the business to consumer e-commerce context, this situation often means that the consumer's only resort in the event of a dispute is the merchant's standard customer service procedures (an often unsatisfactory solution for the consumer). In other e-commerce contexts, such as when the parties reside sufficiently proximate to make litigation available, the same situation (i.e., no practical dispute resolution alternative) often results. For a large category of cases in this transactional context, the excessive distance between the parties and the relatively minor value of the transaction (especially in consumer transactions) render litigation and traditional ADR processes prohibitively expensive. This situation is exacerbated by the uncertainty of nascent commercial e-commerce standards and the often complex jurisdictional and choice of law issues that arise in an e-commerce dispute. The result of this enhanced legal uncertainty and complexity is to render traditional dispute resolution measures (i.e., litigation and ADR) even less feasible, especially for the large class of cases where the value of the transaction does not justify substantial expenditure. Consequently, parties to e-commerce transactions typically do not expect recourse to a neutral, third party dispute resolution process, and expect instead to assume a level of risk for transactional failure beyond that normally assumed in traditional commercial contexts.

[0003] The practical effect of this situation on e-commerce is to dampen growth. Parties are reluctant to engage in e-commerce because of the increased risk of transactional failure caused by the absence of meaningful remedies. E-merchants thus lose substantial revenue. The present invention addresses these and other problems.

SUMMARY

[0004] A computer-implemented online dispute resolution method and system ("ODR System") for application over a computer network is disclosed herein. In some embodiments, the ODR System comprises two sub-systems: the NEGO-MED-ARB System and the Negotiation/Mediation/Arbitration System. The NEGO-MED-ARB System provides a cost-effective, expedited online dispute resolution service that integrates aspects of traditional negotiation,

mediation and arbitration alternate dispute resolution processes. It is primarily directed (but not limited) to customer disputes with merchants over commercial transactions having monetary values which do not justify dispute resolution using traditional methods (e.g., litigation, traditional alternate dispute resolution processes). The Negotiation/Mediation/Arbitration System provides a more traditional (i.e., more detailed and less expedited) yet customizable online dispute resolution solution to any parties that agree to use the system. It is primarily directed (but not limited) to merchant to merchant disputes. Both systems use a central Web site for providing a structured environment and centralized access point for performing online dispute resolution services.

[0005] In some embodiments, the NEGO-MED-ARB System includes a trust mark program. In this program, a merchant enrolls to become a merchant-partner authorized to use a ODR System hyperlink. The merchant-partner displays the ODR System hyperlink on its merchant Web site to inform customers accessing the merchant Web site that it is providing the ODR System as a value-added service. Customers may then click on the ODR System hyperlink to immediately hyperlink to the NEGO-MED-ARB System on the ODR System Web site. In some embodiments, the customer initiates the NEGO-MED-ARB System services by completing online electronic forms (Application Form) with his or her version of the facts of the dispute and one or more solutions proposed by the customer for resolving the dispute. This customer-provided information, including the customer's proposed solutions, is then provided to the merchant-partner, who may accept one of the proposed solutions to resolve the dispute. In some embodiments, if the merchant-partner does not accept one of the proposals, he or she completes the online forms with his or her own version of the dispute, and then provides one or more proposals to resolve the dispute. This merchant-partner-provided information, including the merchant-partner's proposed solutions, is then provided to the customer, who may accept one of the proposed solutions to resolve the dispute. In some embodiments, if the customer does not accept one of the proposed solutions, then a mediator is appointed to resolve the dispute. The mediator proposes three solutions to the dispute after review of the proposals made by the parties and other relevant dispute-related information. If the parties agree to one of the mediator's proposals, then the dispute is resolved; otherwise, the mediator analyzes the record of the dispute, including the parties' responses to the mediator's proposed solutions, and drafts a proposed final solution to resolve the dispute. In some embodiments, the parties will have agreed beforehand to be bound by the mediator's final solution, in which case the proposed final solution may operate as an arbitration award. In some embodiments, the merchant-partner has agreed beforehand with the ODR System owner to accept the proposed final solution; in these embodiments, the proposed final solution as applied to the merchant-partner may also operate as a form of arbitration award. In some embodiments, the parties may at anytime during the dispute resolution process propose a solution via the NEGO-MED-ARB System to the other party to settle the dispute.

[0006] In some embodiments, the events constituting the NEGO-MED-ARB System occur within a structured time-sensitive framework. In some embodiments, the time period between the customer's first submitting a proposed solution to the dispute to the NEGO-MED-ARB System and the

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merchant-partner's response is seven days. In some embodiments, the time period between the merchant-partner's submitting a proposed solution (after rejecting the customer's proposed solutions) and the customer's response is ten days. In some embodiments, the time period between the start of mediation (after the parties reject each other's proposed solutions) and delivery of the proposed solutions as determined by the mediator is sixteen days. In some embodiments, the time period between the start of arbitration (after the parties reject the mediator's proposed solutions) and delivery of the proposed final solution is twenty-four days. Thus, in some embodiments, unless the parities agree to an earlier resolution, the integrated dispute resolution package provided by the NEGO-MED-ARB System completes in twenty-four days.

[0007] Other variations to the above embodiments are also described.

BRIEF DESCRIPTION OF THE DRAWINGS

[0008] FIG. 1A is a block diagram illustrating a client/server computing environment over a global-area network.

[0009] FIG. 1B is a block diagram illustrating a Web-based client/server computing environment.

[0010] FIG. 1C is a block diagram illustrating the process logic of a dynamic Web service, according to some embodiments of the invention.

[0011] FIG. 1D is a block diagram illustrating the ODR System in a Web-based client/server environment, according to some embodiments of the invention.

[0012] FIG. 2A is a block diagram illustrating the principal interactions performed on the ODR System by human agents, according to some embodiments of the invention.

[0013] FIG. 2B is a block diagram of the major components of the ODR System, according to some embodiments of the invention.

[0014] FIG. 3A is a high-level flow diagram illustrating the logic sequence of the NEGO-MED-ARB System, according to some embodiments of the present invention.

[0015] FIG. 3B is a flow diagram illustrating the Merchant Enrollment Process of the NEGO-MED-ARB System, according to some embodiments of the invention.

[0016] FIGS. 3C(1) to 3C(7) are flow diagrams illustrating the NEGO-MED-ARB System, according to some embodiments of the invention.

[0017] FIG. 3D is a flow diagram illustrating the Parallel Negotiation Process of the NEGO-MED-ARB System, according to some embodiments of the invention.

[0018] FIG. 3E is a flow diagram illustrating the Mediator Appointment Process of the NEGO-MED-ARB System, according to some embodiments of the invention.

[0019] FIG. 4A is a flow diagram illustrating the process logic of the Negotiation/Mediation/Arbitration Service, according to some embodiments of the invention.

[0020] FIG. 4B is a flow diagram illustrating the stages in the mediator and arbitrator appointment process in the Negotiation/Mediation/Arbitration System according to some embodiments of the invention.

DETAILED DESCRIPTION

[0021] ODR System Programming Overview

[0022] For purposes of this discussion, it should be understood that the systems, methods, processes, programs, and the like described herein are not related to or limited by any particular computer, apparatus, or computer language. Rather, various types of general purpose computing machines or devices can be used for implementing the teachings described herein, some of which are described below. In addition, it should be understood that the programs, processes, methods, and the like described herein, are not limited to a specific software or hardware implementation. Rather, it may prove advantageous, for example, to implement one or more processes in hardware, one or more in code operating from non-volatile memory such as a read-only memory (ROM), or one or more processes in code operating from volatile memory such as a random-access memory (RAM). In addition, it should be understood that although the current embodiment uses primarily World Wide Web (hereafter, "Web") technology to communicate information and functionality over a computer network, other embodiments might use other document types and dissemination technologies. For example, instead of requesting HTML documents with a Web browser, documents may be transmitted and received by means of email disseminated by a mail server, or PUSH documents disseminated by a PUSH server. Other technologies such as video-on-demand or video-conferencing may also provide effective means for disseminating ODR System-related information. In short, the present invention should not be understood as related to or limited by a particular machine, a particular hardware/software implementation, or a particular technology for information dissemination over a computer network.

[0023] FIG. 1A is a block diagram illustrating a client/server computing environment over a global-area network (e.g., the Internet). A host computer 4 operating a server process is connected to a client computer 6 operating a client process via computer network 2. Computer network 2 may include, by way of example, a global-area network (the Internet), a wide area network (WAN), a local area network (LAN), a wireless network, and the like. Typically, the client process sends an electronic request over the computer network 2 which is received and processed by a server process running on host computer 4. After processing the request, the server process returns the result—such as requested information—back to the client process, where it may then be made available to a human user. The terms "client" and "server" are functional descriptions, and a single machine may operate both client and server process. Client and server processes communicate with each other over a computer network using one or more shared communication protocols, for example, HTTP (the Web), SMTP and LDAP (messaging), and WAP (wireless), typically built over lower-level TCP/IP protocols (the Internet). Embodiments of the present invention may generally be adapted for use with any conventional communication protocol using conventional programming techniques.

[0024] FIG. 1B is a block diagram illustrating a client/server computing environment as applied to the Web. Host computer 4 operating Web server 46 is connected to a client computer 6 operating a Web browser 32. Web server 46 and Web browser 32 transfer information—including data and

processing logic—over computer network 2 using standard Web protocols (i.e., HTTP over TCP/IP). On the server side, Web server 46 processes Web browser 32 requests by, for example, retrieving Web pages 54 (i.e., typically HTML- or XML-encoded information) from one or more storage devices 52 for distribution to Web browser 32. Web browser 32 in turn may render Web pages 54 as graphical objects 54 on viewing device 42 in accordance with their HTML/XML encoding. Web page information may include text, scripts, graphics, animations, videos, and hyperlinks. A Web site typically comprises one or more Web pages 54 organized by a particular process logic running on host computer 4. Each Web page 54 has a unique identifier (URL); a Web browser identifies a particular Web page 54 in a request sent to a server using the URL. Users typically navigate through Web pages 54 using hyperlinks encoded in the Web pages 54 that embed URL's to other Web pages 54; a user merely activates a hyperlink—typically by clicking the hyperlink on a viewing device with a pointing device—to retrieve the particular Web page 54 provided by the hyperlink. FIGS. 1A and 1B show a single host computer connected to a single client computer for illustrative purposes only; the Internet and the Web actually comprise millions of interconnected host and client computers.

[0025] FIG. 1C is a block diagram illustrating the process logic of a dynamic Web service, according to some embodiments of the invention. A dynamic Web service, as defined herein, provides dynamic content delivery and processing capacity to client processes, such as Web browsers 32 and other (e.g., remote) Web services 30. Client processes are thus able to alter the state of the business logic associated with the Web service, and server processes are able to dynamically control content in response to client behavior. Turning to FIG. 1C, dynamic Web service functionality is provided by processing logic operating on a host computer. Processing logic includes Web server 8, page filter 16, business logic 26, application server 24 and database server 20. Processing logic may operate on one or more host computers, and in complex applications, the application server 24 and business logic 26 may operate on a middle tier of components. In some embodiments, dynamic Web content delivery and processing capacity is provided by embedding process logic in Web pages, and executing the process logic during Web page retrieval by Web server 8; this may be implemented using page filter 16 to interpret and execute Web page program logic during runtime. In some embodiments, Web page program logic may be written in a scripting language, such as PERL, JavaScript, or VBScript, using well-known CGI protocols for communicating with other application servers, such as a database server. Some embodiments may provide dynamic processing capacity using well-known server-side technologies such as JSP (Java Server Pages), servlets, or EJB (Enterprise Java Beans) technologies—all produced by Sun Corporation of Mountain View, Calif.—or ASP (Active Server Pages)—produced by Microsoft Corporation of Redmond, Wash. In some embodiments, the ODR System application servers and business logic may be implemented using COM+ objects (produced by Microsoft Corporation) and data distributed from one or more application servers 24; in some embodiments, application servers may include database server 20 using ADO (Active Data Objects), OLE DB (OLE DataBase), or ODBC (Open Database Connectivity) and COM (Component Object Model) interfaces and objects—all produced by

Microsoft Corporation. In some embodiments, application servers may issue HTTP requests to other Web services 30 operating locally or on remote hosts connected by the Web using SOAP (Simple Object Access Protocol) and XML technologies.

[0026] Web server 44 may be any special or general purpose computer suitable for maintaining a Web site, including as a Pentium-based computer available from a variety of third-parties, an UltraSparc workstation, available from Sun Microsystems, Inc. of Mountain View, Calif., or an RS6000 workstation, available from IBM of White Plains, N.Y. Client computer 6 can be any special or general purpose computer suitable for accessing a Web site over the Internet 2, such as any Pentium-based desktop computer available from a variety of third-parties or a Macintosh computer available from Apple Computer, Inc. of Cupertino, Calif. Web browser 32 is any Web browser suitable for making requests to Web servers 44 and rendering HTML documents 54 for display as graphical objects 36, such as Internet Explorer 4.0 or 5.0, available from Microsoft Corporation of Redmond, Wash., or Netscape Navigator 4.0 or 5.0, available from Netscape Communications of Mountain View, Calif. Web server program 46 is any Web server program capable of processing HTTP requests from Web browsers 32, such as the Windows 2000 Server running IIS 5.0 or Site Server, with ASP and SQL Server 2000 (available from Microsoft Corporation of Redmond, Wash.), Java Web Server, available from Sun Microsystems of Mountain View, Calif., or the Apache Web Server, available from Apache Software Foundation of Forest Hill, Md.

[0027] FIG. 1D is a block diagram illustrating the ODR System 60 in a Web-based client/server environment, according to some embodiments of the invention. The ODR System 44 operates on host computer 44 connected to Web 34. Host computer 44 executes a computer program (hereafter, "ODR System Program") comprising the process logic of the ODR System, including logic for maintaining a dedicated ODR Web site (hereafter, "ODR System Web site"). Consumers 76n [where n=a, b, c, . . .] and merchants 80n [where n=a, b, c, . . .] access the ODR System via the ODR System Web site from client computers 78n [where n=a, b, c, . . .] and 82n [where n=a, b, c, . . .]. E-merchants 74n [where n=a, b, c, . . .] operate e-commerce Web sites on host computers 72n [where n=a, b, c, . . .]. In this manner, consumers 76n and merchants 80n make commercial transactions at e-commerce Web sites 72n with E-merchants 74n over computer network 2. Furthermore, because the physical location of each party to a transaction is often not apparent, e-commerce transactions often take place over great distances from one or more legal jurisdictions. For the same reason—the irrelevancy of the physical location of the ODR System 60 in a computer network—disputes arising over an e-commerce transaction may be efficiently resolved by consumers, merchants and e-merchants accessing and employing the ODR System 60.

[0028] ODR System Overview

[0029] FIG. 2A is a block diagram illustrating the principal human interactions performed on the ODR System 60, according to some embodiments of the invention. Human agents typically interacting with the ODR System include consumers 120, merchants 80 (an online buyer of goods or services), e-merchants 74 (an online seller of goods or

services), mediators **130**, arbitrators **128**, and the ODR System Clerk **114**. The principal functionalities of the ODR System engaged by human agents include the ODR services **102**, e-merchant enrollment **108**, monitoring service **96**, system administration **90**, and arbitrator/mediator enrollment **112**. ODR services **102** are accessed by consumers **76**, merchants **80**, e-merchants **74**, arbitrators **128**, and mediators **130**. ODR services **102** typically involve an exchange of information between the parties to a dispute. The exchange generally consists of the parties providing information in the following order: the party bringing the dispute ("initiating party"), the party the dispute is brought against ("opposing party"), and again the initiating party. In some embodiments of the invention, this ordered exchange of information is provided by completing and submitting online forms containing the information. Thus, the initiating party typically submits an Application Form containing information relating to the dispute; the opposing party then responds to the Application Form by submitting a Response Form relating information which tells its view of the dispute; the initiating party may then submit a Reply Form which responds to the Response Form. E-merchants **74**, in contrast to consumers **76** and merchants **80**, additionally access merchant enrollment **108** in order to register as merchant-partners with the ODR System **60** (merchant enrollment **108** is described in detail below). It should be noted that FIG. 2A does not show all of the interactions shown by the parties, but provides only an overview of the more important interactions; for example, e-merchants **74** and merchants **80** during Negotiation/Mediation/Arbitration processes (described below) may perform the same or similar interactions that consumers **76** perform as initiating parties, although this interaction is not shown on FIG. 2a. In addition to consumer **76**, merchant **80** and e-merchant **74** interactions, arbitrators **128** and mediators **130** also interact with ODR services **102** by performing the actual mediation and arbitration between the parties.

[0030] Other ODR System **60** services interacted by human agents include merchant enrollment **108**, monitoring service **96**, system administration **90** and arbitrator/mediator enrollment **112**. Mediators **130** and arbitrators **128** access arbitrator/mediator enrollment services (described in detail below) to become eligible for performing online arbitration/mediation. The System Clerk **114** ("Clerk") accesses all of the ODR System services (except the ODR services **102**) for purposes of globally maintaining and monitoring the ODR System **60** processes, registering e-merchants, and enrolling mediators and arbitrators; these system services include merchant enrollment **108**, monitoring service **96**, system administration **90**, and arbitrator/mediator enrollment **112**. The Clerk **114** is responsible for administering the ODR System **60** using the system administration service **90**; this service enables the Clerk **114** to administer access rights, manage multi-lingual interfaces, and manage archived materials. The Clerk **114** accepts the registration of mediators **130** and arbitrators **128** into the ODR System **60** using the arbitrator/mediator enrollment service **112** (the arbitrator/mediator enrollment service **112** is described in detail below). The Clerk **114** accepts the registration of merchants **80** in the ODR System **60** using the merchant enrollment service **108** (described in detail below). The Clerk **114** monitors the ODR System processes using monitoring service **96**; this service enables the Clerk to verify the validity of the Arbitration/Mediation Clause (discussed below), and

to generally provide support to parties during ODR processes (e.g., providing assistance in completing and submitting electronic forms).

[0031] FIG. 2B is a block diagram of the major components of the ODR System **60**, according to some embodiments of the invention. ODR System **60** comprises two sub-systems: ODR Services **102** and System Services **152**. ODR Services **102** further comprises two sub-systems: the NEGO-MED-ARB System **142** and the Negotiation/Mediation/Arbitration System **150**. The two ODR sub-systems—the NEGO-MED-ARB System **142** and the Negotiation/Mediation/Arbitration System **150**—are designed to handle different types of disputes. In particular, the NEGO-MED-ARB System **142** is designed for disputes of any value arising between consumers and merchants **134**, and for disputes of small monetary value arising between merchants and other merchants (merchant & merchant) **136**. (Note that a "merchant" here may refer to any seller of goods, for example, an individual selling an item in an online auction.) Thus, the NEGO-MED-ARB System **142** generally targets the needs for a low cost dispute resolution solution typically involving disputes of small monetary value. The Negotiation/Mediation/Arbitration System **150**, on the contrary, is designed for disputes of generally greater monetary value arising between merchants (whether merchants or e-merchants) **136**, and for disputes in an ad hoc context ("ad hoc disputes") arising between any two parties (individual or corporate) **138**. An ad hoc dispute is one in which the parties are not previously bound by prior agreement to a particular ODR service provider. In some embodiments of the invention, the Negotiation/Mediation/Arbitration System **150** further comprises three sub-systems: the negotiation system **144**, the mediation system **146** and the arbitration system **148**. The Negotiation/Mediation/Arbitration System **150** may be customized to fulfill the specific needs of the parties to the dispute; parties may select, for example, any of the three sub-systems (negotiation system **144**, mediation system **146**, arbitration system **148**) alone or in combination. Thus, for example, parties may agree to use only the negotiation **144** and mediation **146** systems for one dispute, and the arbitration **148** system for another dispute.

[0032] The NEGO-MED-ARB System **142** and Negotiation/Mediation/Arbitration System **150** both depend upon and use the process logic of the System Service **152** system for operation. The System Services **152** system includes process logic for the following services: form manipulation **154**, payment **160**, system monitoring **96**, merchant enrollment **108**, form analyzer **156**, document handling **162**, system configuration **168**, arbitrator/mediator enrollment **112**, arbitrator/mediator appointment **158**, exchange **164**, user credential **170**, archival **178**, language **172**. A brief description of these services follows. The form manipulation service **154** enables the navigation, display, editing, and validation of a electronic form, such as the Application Form, the Response Form, the Reply Form, and the Agreement Form. The form analyzer services **156** analyzes the parties' response to proposed solutions, and generates an Agreement Form according to the result of such analysis. The Mediator/Arbitrator Appointment Services **158** manages the appointment of the mediators and arbitrators to a case according to, in part, the preferred characteristics provided by the parties. The payment services **160** implements secure fee payment from the parties. The document handling services **162** enables the ODR System **60** to handle

documents in a wide range of formats: emails, word processor documents, faxes, scanned documents such as photographs and hand written documents, audio/visual material. The document handling service 162 also facilitates the indexing, searching, amendment, exchange, storage and retrieval of documents associated with ODR services 102. The exchange services 164 enables parties to have private online hearings and deliberations using, for example, integrated private chat rooms or integrated private net meetings. The system monitoring services 166 enables the System Clerk to view information needed for assisting parties in the ODR proceedings. The system configuration services 168 enables customization of ODR services 102 to the specific needs of the parties. The user credential services 170 enables the ODR System 60 to provide a secure and reliable working environment for the parties; it provides user authentication and administers access rights to the parties. The language services 172 enables the ODR System 60 to offer ODR services in multiple languages. The merchant enrollment services 174 enables the ODR System 60 to authorize a merchant-partner to use a trust mark (discussed in detail below). The mediator and arbitrator enrollment services 176 enables the ODR System 60 to enroll and administer qualified mediators and arbitrators. And lastly the archival service 178 enables the ODR System 60 to archive or delete archival dispute and user information. The ODR Service systems and relevant System Services 152 component services are described in detail below.

[0033] The NEGO-MED-ARB System

[0034] 1. NEGO-MED-ARB System Overview

[0035] FIG. 3A is a high-level flow diagram illustrating the logic sequence of the NEGO-MED-ARB System, according to some embodiments of the present invention. The NEGO-MED-ARB System provides the parties to a dispute with a structured dispute resolution process that integrates services provided by four dispute resolution systems: the Negotiation System 145, the Mediation System 147, the Arbitration System 149, and the Parallel Negotiation System 151. In operation, the ODR System Program progresses the parties through the system services in the following order: the Negotiation System 145, the Mediation System 147, and, lastly, the Arbitration System 149. In addition to the Negotiation System 145, Mediation System 147, and Arbitration System 149 services, the parties may additionally at anytime in the dispute resolution process use the Parallel Negotiation System 151 to resolve the dispute. The ODR System Program automatically progresses the parties through the integrated dispute resolution process until an agreement is reached or the process is otherwise terminated by the ODR System Program. The ODR System Program may terminate the process prior to reaching an agreement if a party elects to withdraw or, in some circumstances, fails to respond to a system requirement within a specified period. In some embodiments, the merchant-partner is not permitted to withdraw without violating an agreement with the ODR System owner to accept a solution provided by the ODR System. In some embodiments, the ODR System Program executes the ODR events of the NEGO-MED-ARB System services within a pre-determined, expedited and structured time-frame.

[0036] In some embodiments, the NEGO-MED-ARB System employs a merchant-partner program. In the merchant-partner program, merchants with an Internet business Web site (including merchants that do not engage in e-commerce) contract with the ODR System owner to make the NEGO-MED-ARB System services available to its customers in dispute with the merchant. In some embodiments, the merchant by agreement with the ODR System owner decides the cost to its customers for using the NEGO-MED-ARB System. In some embodiments, a customer cost sufficiently high to deter frivolous disputes may be desirable. In the merchant-partner program, the merchant-partner is also provided authorization to use a trust mark on its Web site to enables customers to hyperlink efficiently to the NEGO-MED-ARB System. These processes are discussed in detail below.

[0037] 2. Merchant Enrollment Process

[0038] FIG. 3B is a flow diagram illustrating the merchant enrollment process 108 used in the NEGO-MED-ARB System, according to some embodiments of the invention. In stage 182, an e-commerce merchant accesses the ODR System Web site via a Web browser operating on a client computer connected to the Web. In stage 184, the merchant reviews information provided on the ODR System website (e.g., a Partner-Merchant Notice Page) to assist it in deciding whether to enroll in the NEGO-MED-ARB System 142. This information includes the rules and procedures to be followed during the Dispute Resolution Process, and the terms and conditions for using the ODR Trust Mark (explained below). In some embodiments, enrollment is generally conditioned on the merchant's agreement to the aforementioned rules, procedures, terms and conditions. In stage 186, the merchant electronically executes an agreement with the ODR System to follow the rules, procedures, terms and conditions of the NEGO-MED-ARB System. The merchant also provides information regarding his or her identity, means of contact, and payment of fees. In some embodiments, the merchant pays two fees: a flat fee for use of the ODR Trust Mark for a specific time period, and a fee for each dispute in which ODR services are used. In some embodiments, the merchant fees may include amounts normally charged to the consumer; in these embodiments, the merchant effectively subsidizes the consumer's use of ODR services (the consumer's use is free of cost), which may facilitate the use and growth of the ODR System as well as consumer confidence in the e-merchant's goods and services. After payment of fees, the merchant is enrolled as a merchant-partner. In stage 188, the ODR System Program creates a user account for the merchant-partner. The ODR System Program provides the merchant-partner with unique access-keys enabling the merchant-partner to access a private Web space (accessible only by the merchant-partner) on the System Web site (hereafter, "merchant-partner Web space"); in some embodiments, the access-keys are a unique username and password. In some embodiments, the ODR System Program centralizes all dispute related information for a particular merchant-partner in the merchant-partner Web space; this may include tracking, update and status information on the pending cases, as well as closed and archived cases. In stage 190, the merchant-partner is presented a login Web page which requests its access-key; the merchant-partner provides the access-key and enters the merchant-partner Web space. The majority of the merchant-partner's interaction with the NEGO-MED-ARB System 142 is conducted using hyperlinks embedding executable commands located in the merchant-partner's Web space.

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[0039] In stage 192, a merchant-partner is authorized to use a Trust Mark on his or her e-commerce Web site. In some embodiments, the Trust Mark is a distinctive, stylized icon or text that may be readily associated by consumers to the ODR System; it may, for example, be a registered service mark (federal or state). The Trust Mark has a unique identification number assigned to it for each merchant-partner, and includes an invisible watermark. The identification number and watermark are used to exercise control over how the Trust Mark is used, and to identify the merchant Web site when the Trust Mark is used by the customer to link to the ODR Web site. The Trust Mark is generally displayed in a similar manner on e-commerce Web sites according to uniform rules promulgated and maintained, in some embodiments, by the owner of the ODR System. The Trust Mark enables a party browsing the merchant-partner's e-commerce Web site to access ODR services on the ODR System Web site; in some embodiments, the Trust Mark operates as a hyperlink to dispute resolution services on the ODR System Web site, thus enabling one-click access to ODR services from an merchant-partner e-commerce Web site. When a customer hyperlinks to the ODR System Web site, the merchant-partner's unique identification number is sent to ODR System Program; this enables the ODR System Program to automatically determine which merchant-partner is involved in a dispute with customer. In stage 194, a properly authorized merchant-partner displays the Trust Mark on its e-commerce Web site. In addition to providing one-click access to ODR services, the Trust Mark also enables e-commerce merchants to advertise valuable ODR services to consumers and businesses browsing the e-commerce Web site, thus developing confidence in engaging in e-commerce transactions at the Web site.

[0040] 3. NEGO-MED-ARB Processes

[0041] FIG. 3C, comprising FIGS. 3C(1) to 3C(7), is a flow diagram illustrating process flow in the NEGO-MED-ARB System, according to some embodiments of the invention. In particular, FIGS. 3C(1) to 3C(4) illustrates process flow in Negotiation System 145; FIGS. 3C(5) to 3C(6), and some stages in FIG. 3C(7), illustrate process flow in Mediation System 147. Lastly, FIG. 3C(7) (excluding certain stages occurring in the Mediation System 147) illustrate process flow for the Arbitration System 149.

[0042] Referring to FIG. 3C(1), the flow diagram has three vertical columns 201, 203, and 205, separated by vertical dotted-line dividers 207 and 209. The first column 201 represents events performed by the purchasing customer in a commercial transaction with a merchant-partner, typically a consumer or business. The second column represents events performed by the ODR System controlled by the ODR System Program. Lastly, the third column 205 represents events performed by the seller to the transaction, typically the merchant-partner. FIGS. 3C(2) to 3C(5) share the same column layout as FIG. 3C1. Turning to FIG. 3C(1), in stage 200 of the illustrative process, the customer initiates NEGO-MED-ARB System services with a merchant-partner by accessing the merchant-partner's e-commerce Web site displaying the ODR Trust Mark. In stage 202, the customer clicks on the Trust Mark, and hyperlinks to a dispute resolution start page on the System Web site. The customer may also access the ODR Web site directly in which case he would be asked to identify the merchant-

partner to the dispute from a list provided by the ODR System Program. In stage 204, the start page provides the customer with overview information about the NEGO-MED-ARB System 142, including the rules governing its use. In stage 206, the customer decides whether to execute an electronic agreement with the ODR System formalizing the customer's agreement to comply with the aforementioned rules; this is generally a prerequisite to initiating an ODR services against the merchant-partner. In stage 208, the customer decides to execute the electronic agreement, and is sent a registration page by the ODR System Program; the customer enters information as requested by the registration page, such as the customer's identity and preferred manner of contact by the ODR System (e.g., contact by email, fax, pager, mobile phone, traditional post). If the customer decides not to execute the electronic agreement, the process is terminated in stage 244.

[0043] In stage 210, the ODR System Program checks the registration information submitted by the customer from a database to determine whether the customer had previously registered in the ODR System. In stage 224, if the customer is previously registered, the ODR System Program adds a new open case to the customer's account data; otherwise, in stage 212, the ODR System Program creates a new user account and, in stage 214, sends an email notification to the customer to confirm the customer's identity prior to activation of the customer's account. In stage 216, the customer receives the email notification, and replies to the notification with an email acknowledgment. In stage 218, the ODR System Program receives the customer acknowledgement and activates the customer account, and in stage 224, creates a new open case in the customer account. In stage 238, the ODR System Program assigns the customer a unique access-key, such as a username and password, which the customer uses to login to the ODR System. In stage 226, after the ODR System creates a new dispute resolution case, it assigns a time limit for the customer to complete an online Application Form (explained below). In stage 228, the ODR System Program periodically checks to determine whether the customer has completed and submitted the Application Form to the ODR System within the time limit. If the Application Form is not submitted to the ODR System within the time limit, then in stage 232, the ODR System Program sends to the customer an official notification of case dismissal by email. In stage 234, the customer receives the email notification dismissing the case, and in stage 236, the case is dismissed.

[0044] Turning now to FIG. 3C(2)—which continues the flow diagram of FIG. 3(1)—in stage 248, the ODR System Program determines whether the customer accessed the ODR System Web site via a Trust Mark hyperlink located on a merchant-partner e-commerce Web site. If the customer did not hyperlink from a Trust Mark, then, in stage 250, the customer is required to select the merchant-partner to the dispute from a list provided by the ODR System Program. In stage 252, after the ODR System Program determines the merchant-partner to the dispute, an Application Form is presented to the customer. In some embodiments, the Application Form may require the customer to provide several items of data, including, for example: the identity of an agent (such as legal counsel) acting on behalf of the customer; information relating to the product line or services from which the dispute arises; facts related to the dispute; a list containing up to three solutions acceptable to the customer

(hereafter, "customer proposed solutions"), whether proposed by the customer or selected by the customer from a predetermined list provided by the ODR System Program (in some embodiments, the customer must specify at least one option for the ODR System Program to accept the Application Form), an explanation of the basis for the customer proposed solutions (this information is accessible only by a duly-appointed mediator); and, in some embodiments, customer payment information (e.g., credit card information). It should be noted that in some embodiments no payment information will be required of the customer because the customer's fees were integrated into the merchant-partner's fee. In some embodiments, the customer may be required to pay a small fee. In some embodiments, the customer fee structure is determined by agreement between the ODR system owner and the merchant-partner.

[0045] In stage 254, the customer uploads or faxes all pertinent documents that the party believes is relevant to makes its case when submitting the Application Form to the ODR System Program. In some embodiments, where payment by the customer is required, process flow moves to stage 259, where the ODR System Program performs the payment transaction (typically by automated processing of customer's credit card or other e-payment means). In stage 250, payment is completed and verified. In stage 256, the customer sends the completed Application Form to the ODR System Program. In stage 252, the ODR System Program validates the Application. In stage 256, the ODR System Program determines whether the Application Form was validly completed, and whether payment was successfully made. If either of these was not performed properly, then, in stage 276, the ODR System Program sends an email official notification to the customer that all system requirements must be performed to pursue ODR services, namely, proper completion of the Application Form and, in some embodiments, payment of fees; process then resumes in stage 252. If the ODR System Program determines that the Application Form is valid and that receipt of payment (in some embodiments) is verified, then in stage 272, the ODR System Program terminates the process of determining whether submission of the Application Form has exceeded the filing time limit as initiated in stage 226, in stage 270, the ODR System Program accepts the Application in stage 270.

[0046] Turning now to **FIG. 3C(3)**—which continues the flow diagram of **FIG. 3C(2)**—in stage 280, the ODR System Program sends a new case email notification to the parties indicating that it has opened a new case and initiated ODR services to resolve their dispute; the ODR System Program also sets a response time limit for the merchant-partner to submit a response to the customer Application Form. In some embodiments, the response time limit requires the merchant-partner to respond expeditiously, for example, within a few days. In stage 282, the customer receives the new case email notification and then waits to receive the response from the merchant-partner within the response time limit. In stage 284, the merchant-partner receives the new case email notification which includes a system-generated case identifier; the case identifier is used by the merchant-partner to access selected information submitted by the customer on the Application Form. In stage 304, the ODR System Program initiated a process to check at periodic time intervals whether the merchant-partner has responded within the response time limit. In stage 306, the ODR System Program determines whether the merchant-partner has

responded within the response time limit. If the merchant-partner has not timely responded, then in stage 308 the ODR System Program presumes that the merchant-partner has accepted the first solution in the list of customer proposed solutions. The ODR System Program then formalizes the presumption—that the merchant-partner has agreed to the first customer proposed solution—by creating an Agreement Form which is sent to the parties for their approval. In some embodiments, the customer is never bound by the ODR processes; in some embodiments, the merchant-partner may agree in advance to be bound to any ODR outcome. In some embodiments, both parties must explicitly approve the Agreement Form generated by the ODR System Program before the Agreement Form becomes binding on the parties. In stage 312, the ODR System Program sends the Agreement Form to the customer, and in stage 316, the customer receives it. In stage 314, the ODR System Program sends the Agreement Form to the merchant-partner, and in stage 318, the merchant-partner receives it.

[0047] In stage 286, the merchant-partner connects to the System Web site and enters its merchant-partner Web space using its access-keys obtained during merchant-partner enrollment. In stage 288, the merchant-partner sends the case identifier to the ODR System Program and is given access to selected portions of the Application information, including the customer proposed solutions. Generally, however, the explanations provided by the customer in support of the customer proposed solutions and other information (such as the customer's credit card information) are not accessible by the merchant-partner. In stage 290, the merchant-partner decides whether or not to accept one of the customer proposed solutions.

[0048] If in stage 290 the merchant-partner accepts one of the customer proposed solutions, then in stage 296 the merchant-partner sends an Agreement Form to the ODR System indicating its agreement to the particular customer proposed solution. In stage 300, the ODR System Program checks the validity of the Agreement Form. If the proposed Agreement Form omits requisite information and does not meet a minimum level of validity, then a notification is sent to the merchant-partner to provide a valid Agreement Form, in which case process is returned to stage 296. If the Agreement Form is validated by the ODR System Program, then in stage 360, the Agreement Form is sent to the customer. The Agreement Form is received by the customer in stage 362, and after approval by the customer of the proposed agreement, the case is terminated in stage 364. If in stage 290 the merchant-partner does not agree to any of the customer proposed solutions, the merchant-partner then decides whether to request dismissal of the case (dismissal may be granted at this stage because, for example, a settlement may have already been reached and confirmed by the customer, or the case was brought for an improper or bad faith purpose, such as to harass the merchant-partner). In stage 330, the ODR System Program determines whether to accept the dismissal request; in some embodiments, this decision is performed by the ODR System Clerk. In stage 332, if the ODR System Program accepts the dismissal request, a notice of dismissal is sent to the customer in stage 334, and to the merchant-partner in stage 336. In stage 338, after the ODR System Program sends the notice of dismissal to the parties, the case is officially dismissed. If in stage 330 the ODR System Program does not accept the merchant-partner request for dismissal, then in stage 340 it sends a

notice to the merchant-partner rejecting the dismissal request and indicating that completion of a Response Form must be submitted; this notice is received by the merchant-partner in stage 342. In stage 346, the merchant-partner completes the Response Form accessible via the merchant-partner Web space. In the Response Form, the merchant-partner responds to the customer allegations and proposed solutions provided in the customer Application Form; the merchant-partner also provides any additional information required by the ODR process. In some embodiments, the Response Form is similar to the Application Form (with the exception that payment information is typically absent from the Response Form). The merchant-partner may then upload any documents the merchant-partner believes is pertinent to the dispute, or may wait to upload such documents until a later date if the case goes to mediation (stage 458). In some embodiments, the Response Form is completed and submitted within an expeditious time period, preferably seven days. In stage 350, the ODR System Program validates the Response Form. In stage 352, if the Response Form was successfully validated, the ODR System Program accepts the Response Form in stage 370 and terminates the process of determining whether the merchant-partner has timely submitted its response. If the Response Form is not successfully validated in stage 352, then process is returned to stage 346 where the merchant-partner is instructed of its requirement to submit a validated Response Form.

[0049]   Turning now to **FIG. 3C(4)**—which continues the flow diagram of **FIG. 3C(3)**—after the ODR System Program accepts the merchant-partner's Response Form, then in stage 372 it determines from the Response Form whether the merchant-partner has agreed to participate in a negotiation process. If the merchant-partner has indicated its desire to bypass the negotiation process and proceed directly to mediation, the ODR System Program in stage 374 sends an email notice to the customer that the case is going to mediation, which notice the customer receives in stage 376. In stage 378, the customer may then decide to withdraw from the ODR processes if the customer decides to withdraw, then in stage 384 the ODR System Program sends an email notice to the merchant-partner that the customer has withdrawn; which the merchant-partner receives in stage 388. In stage 386, the ODR System Program drops the case. If in stage 378 the customer decides to proceed to mediation, then the customer prepares for mediation in stage 390. If in stage 372 the merchant-partner decides not to go directly to mediation but instead has decided to enter negotiations with the customer, then in stage 394 the ODR System Program sends an email notice to the customer that the Response Form was submitted by the merchant-partner. The customer may now access and view selected information from the Response Form including the merchant-partner's response to the customer proposed solutions and description of the dispute. In addition, in stage 398, the ODR System Program sets a reply time limit for the customer to submit a Reply Form in response to the merchant-partner's Response Form. In stage 398, the ODR System Program periodically checks whether the reply time limit is exceeded by the customer. In stage 400, if the ODR System Program determines that the reply time limit has expired before the consumer submitted the Reply Form, then the ODR System Program sends an email notice to the parties that the dispute is entering mediation. In stage 410, the ODR System Program sends the email notice to the merchant-partner, and in stage 412, the

merchant-partner receives it. In stage 416, the merchant-partner prepares for mediation. In stage 374, the ODR System Program sends an email mediation notice to the customer, and process resumes in stage 390 as described above.

[0050]   Returning to stage 394, the customer receives an email notice that the merchant-partner's response information is accessible to the customer at the ODR System Web site. In stage 420, the customer analyzes the response information and merchant-partner proposed solutions, and decides whether to accept one of the merchant-partner proposed solutions. In stage 420, if the customer accepts one of the merchant-partner solutions, then in stage 424 the customer submits an Agreement Form to the ODR System Program. In stage 428, the ODR System Program validates the Agreement Form 428; if the Agreement Form is not validly completed by the customer, then process returns to stage 424 and the ODR System Program informs the customer that only a validly completed Agreement Form may be submitted. In stage 432, if the Agreement Form is valid, then the ODR System Program sends the Agreement Form to the merchant-partner. The merchant-partner receives the Agreement Form in stage 434. Returning to stage 420, if the customer does not agree with any of the merchant-partner proposed solutions, then in stage 440, the customer decides whether to withdraw from the ODR System. If the customer decides to withdraw from the ODR System, then process resumes in stages 384 and 446 as described above. If the customer decides to proceed with mediation, then process resumes in stages 410 and 390 as described above.

[0051]   Turning now to **FIG. 3C(5)**—which continues the flow diagram of **FIG. 3C(4)**—the parties have prepared for mediation in stages 390 and 416, and the ODR System Program than proceeds to assign a mediator to the dispute. In stage 468, the ODR System Program initially fixes a supplemental information time limit for the parties to submit additional information to supplement the dispute record (the dispute record at this point in the ODR process generally comprises the information submitted in the customer Application Form, the merchant-partner Response Form, and the customer Reply Form). In stage 470, if the supplemental information time limit expires prior to either party supplementing the record with additional information, the ODR System Program nevertheless proceeds in stage 480 to appoint a mediator. Prior to expiration of the supplemental information time limit, the customer in stage 450 may supplement the dispute record with, for example, additional information about the dispute, commentary on allegations made by the merchant-partner in its response, and any proposed solutions. In stage 458, the merchant-partner may also supplement the dispute record, for example, by uploading documents that it deems relevant which it did not do when filing the Response Form. In stages 452 and 460, the customer and merchant-partner send email notifications to the ODR System Program that supplementary information has been submitted, and that each party is ready to proceed with mediation; these email notifications are received by the ODR System Program in stages 454 and 462.

[0052]   In stage 466, the ODR System Program determines whether the parties are ready to proceed with mediation. If the ODR System Program determines that the parties are ready to proceed, then in stage 461, the ODR System Program ceases to check whether the supplemental infor-

mation time limit has expired, and proceeds to appoint a mediator in stage 480. If the ODR System Program determines that the parties are not ready to proceed with mediation, then it continues to wait for a further email notification by the parties of their readiness to proceed, prior to the supplemental information time limit expiring. In stage 480, the ODR System Program appoints a mediator to the case; the process by which a mediator is appointed is described in the Mediator Appointment Process section below in reference to FIG. 3E. In addition, it should be understood that during the entire ODR process described herein, a parallel negotiation process may be initiated between the parties; this negotiation process is described in detail in the next section entitled Parallel Negotiation Process in reference to FIG. 3D.

[0053] Turning now to FIG. 3C(6)—which continues the flow diagram of FIG. 3C(5)—in stage 482, the ODR System Program appoints the mediator, and in stage 484, sends an email notice to the customer and the merchant-partner of the appointed mediator; the email notification is received by the customer in stage 486 and by the merchant-partner in stage 488. It should be noted that FIG. 3C(6) includes an additional vertical column 481, positioned between vertical column 201 and vertical column 203; vertical column 481 represents stages where actions are performed by the mediator in the NEGO-MED-ARB Systems. FIG. 3C(7) uses the same column layout as FIG. 3C(6). Turning to FIG. 3C(6), in stage 490, the appointed mediator logs into the ODR System to access the case information through its private mediator Web space maintained by the ODR System Program at the ODR System Web site. The mediator has access to all information provided by the parties to which the parties have given the mediator access rights. In stage 492, the mediator reviews the case information. In stage 494, the mediator prepares a list of mediator proposed solutions based on the entire record of the dispute, including the parties' proposed solutions and commentaries. In stage 522, the mediator ranks the mediator proposed solutions in light of equitable principles. In stage 524, the mediator registers the ranked mediator proposed solutions with the ODR System Program, which then stores the ranked solutions in the ODR System. The ranked solutions are not accessible to the parties and are intended for use by the ODR System Program only after it has received the parties' replies to the mediator proposed solutions. After the mediator has constructed the list of proposed mediator solutions, it sends an email notification to the parties of the accessibility of the unranked list of mediator proposed solutions on the ODR System Web site. In stage 498 the customer receives the email notification; and in stage 502, the merchant-partner receives the email notification. In stages 520 and 526, the ODR System Program assigns a mediator solution response time limit for the parties to respond to the proposed mediator solutions. If this time limit expires prior to response by the parties, then the ODR System Program automatically advances the ODR process to stage 532. In stage 500, the customer reviews the mediator proposed solutions, and then either ranks the proposed solutions in order of acceptability, or refuses all the proposals; in stage 504, the merchant-partner independently performs the same analysis and ranking of the mediator proposed solutions. In stage 506, the customer submits its response to the proposed mediator solutions to the ODR System Program; the response is received by the ODR System Program in stages 510. In stage

504, the merchant-partner submits its response to the mediator proposed solutions to the ODR System Program; the response is received by the ODR System Program in stages 512. In stage 516, the ODR System Program determines whether responses to the mediator proposed solutions were received from both parties. If both parties' responses were received, then in stage 530, the ODR System Program ceases to check whether the mediator solution response time limit has expired, and proceeds to evaluate the parties' responses in stage 532; otherwise, process moves to stage 520 as described above.

[0054] Turning now to FIG. 3C(7)—which continues the flow diagram of FIG. 3C(6)—in stage 540, the ODR System Program analyzes the mediator proposed solutions selected by the parties. In stage 542, the ODR System Program determines whether the parties have selected a common solution proposed by the mediator. In some embodiments, the parties may rank the mediator proposed solutions on the basis of acceptability. In other embodiments, the parties may assign a percentage to each mediator proposed solution representing a percentage satisfaction by the party to the particular proposed solution. Other embodiments may employ various different methods and algorithms for determining when a common or acceptable solution is indicated by the parties. If the parties indicate at least one common solution, then the ODR System Program automatically resolves the dispute on that basis in stages 544 and 546. In stage 544, the ODR System Program creates an Agreement Form formalizing the agreement to the parties, which it then sends by email to the parties in stage 546. The customer receives the Agreement Form by email in stage 558, and then completes an objective evaluation of the ODR process in stage 554. The merchant-partner receives the Agreement Form in stage 552, and then independently completes an objective evaluation of the ODR process in stage 556. In stage 558, the ODR System Program receives the objective evaluations from the parties, and stores them for later analysis. The ODR System Program then terminates the case proceeding in stage 560.

[0055] If in stage 542 the ODR System Program determines that the parties did not select a common mediator proposed solution, then in stage 564 an arbitration process is initiated to produce a proposed final solution to resolve the case; in some embodiments, the proposed final solution will operate as an arbitration award. In some embodiments, the parties may have entered a prior agreement to be bound by the proposed final solution. In other embodiments, the merchant-partner may have entered a prior agreement with the ODR System owner to be unilaterally bound by the proposed final solution. In some embodiments, the proposed final solution is produced automatically by the ODR System Program based on the information accrued in the negotiation and mediation phases. In some embodiments, the automated process may be performed using an intelligent agent to examine the parties' responses to the mediator proposed solutions. The agent may use the ranked solution options provided by the mediator and the parties to compile a score for each proposed solution, which then enables the solutions to be ranked on the basis of their scores. The agent may then generate a proposed final solution for the parties based on the solutions having the best score. In some embodiments, the ODR System Program notifies the mediator to access the parties' responses to the mediator proposed solutions on the ODR System. After examining the record of information

accrued by the ODR System in the case, including the parties' responses to the mediator proposed solutions, the mediator then produces a proposed final solution based on the equitable and legal principles governing the case. In some embodiments, where the mediator is required to produce a proposed final solution, the mediator will also be a qualified arbitrator.

[0056] In stage 572, the ODR System Program sends the proposed final solution to the parties, which is received by the customer in stage 576 and by the merchant-partner in stage 578. In stages 612 and 614, the ODR System Program also initiates a process of checking a time-limit for the parties to respond to the proposed final solution. If in stage 614 the ODR System Program determines that the time-limit expired before both parties respond, then it sends in stage 600 an email notification to the parties that the proposed final solution was not agreed upon to resolve the dispute; this email notification is received by the customer in stage 604 and the merchant-partner in stage 606. The customer and merchant-partner then complete objective evaluations of the ODR process, and the case is terminated in stages 554, 556 and 560, as described above. If in the time-limit has not expired in stage 614, then the customer in stage 580 and the merchant-partner in stage 582 send their decision as to acceptance of the proposed final solution to the ODR System Program. The ODR System Program receives the parties' decisions in stages 584 and 586, and in stages 592 and 594 ceases the time-limit checking process. After the ODR System Program determines that both parties' responses are received in stage 592, then in stage 596, the ODR System Program determines whether both parties have approved the proposed final solution. If both parties have approved the proposed final solution, then in stage 598 the ODR System Program sends an email notice to the parties that the proposed final solution has been agreed to by the parties and has become a binding settlement for the parties. Otherwise, in stage 600 the ODR System Program sends a notice to the parties that the proposed final solution was rejected, and that the case will be closed without a solution. In both circumstances, the process resumes in stages 604 and 606 as described above (i.e., the parties make objective evaluations of the NEGO-MED-ARB System, and the case is terminated). In some embodiments, the merchant-partner may be contractually bound to the ODR System owner to accept the proposed final solution; therefore, rejection of the proposed final solution by the merchant-partner may result in a contractual breach by the merchant-partner. In some embodiments, the customer and the merchant-partner may have made a prior agreement to accept the proposed final solution in the event that they parties were unable to conclude an agreement between themselves.

[0057] 4. Parallel Negotiation Process

[0058] FIG. 3D is a flow diagram illustrating the basic steps of the parallel negotiation process, according to some embodiments of the invention. The parallel negotiation process may be initiated by either party—the customer or the merchant-partner—at any time during the NEGO-MED-ARB System process described in FIGS. 3C(1)-3C(7). Unlike FIG. 3C, however, vertical column 531 in FIG. 3D represents actions performed by the party initiating the parallel negotiation process (hereafter "First Party"), which may be either the customer or the merchant-partner. Analogously, vertical column 533 represents actions performed by

the non-initiating party (hereafter the "Second Party") which may again be either the customer or the merchant-partner.

[0059] Turning to FIG. 3D, in stages 534 and 630, First Party makes a negotiation agreement proposal, which it then submits to the ODR System Program in stage 632. In stage 634, the ODR System Program receives the negotiation agreement proposal, which it then proceeds to validate in stage 636. If the negotiation agreement proposal is determined valid, then the ODR System Program in stage 640 sends the proposal to the Second Party for evaluation. In stage 642, the Second Party receives the proposal and, in stage 644, analyzes it for acceptability. If the Second Party does not agree with the proposal, then in stage 646 the Second Party notifies the ODR System Program that it does not accept the proposal. The ODR System Program then forwards a notice of the rejection to the First Party in stage 648. If, however, the Second Party accepts the negotiation agreement proposal in stage 644, then the Second Party in stage 650 completes an Agreement Form based on the proposal. In stage 652, the Second Party submits the Agreement Form to the ODR System Program, which then determines the validity of the Agreement Form in stage 654. If the Agreement Form is not validly completed, then the ODR System Program notifies the Second Party of its invalidity, and instructs the Second Party to properly complete the Agreement Form for proper submission; process then returns to stage 650, where stages 650, 652 and 654 are repeated until a proper Agreement Form is submitted by the Second Party. After the Agreement Form is validly submitted by the Second Party, the ODR System Program notifies the First Party and the mediator (if one has already been appointed in the case) that the case is resolved on the basis of the negotiation agreement proposal; the First Party receives this notification in stage 666, and the mediator receives this notification in stage 664. In stage 660, the ODR System Program terminates any ODR processes and closes the case.

[0060] 5. Mediator Appointment Process

[0061] FIG. 3E is a flow diagram illustrating the stages of the mediator appointment process for the NEGO-MED-ARB System, according to some embodiments of the invention. In stage 670, a prospective mediator accesses the ODR System Web site and is linked to an online Enrollment Form. In stage 672, the prospective mediator provides the information to complete the Enrollment Form; the requisite information may include the mediator's field of expertise, geographic location, and language proficiency. In stage 674, the ODR System Program stores the information provided on the Enrollment Form for later analysis by a group of senior mediators and arbitrators (hereafter, the "Selection Council") responsible for selecting new mediators. In stage 676, the Selection Council reviews the Enrollment Form information to determine whether the applicant qualifies as a suitable mediator. Typically a suitable mediator is one with a proven track record as a specialist in certain categories of disputes, with appropriate training and certifications. In stage 678, the mediators approved as suitable by the Selection Council are added to a mediator database maintained by the ODR System Program.

[0062] Stages 680 to 690 represent a series of stages in the mediator appointment process representing sub-stages in stage 480 of the NEGO-MED-ARB System as described in

reference to FIG. 3C(5). In stage 680, the ODR System Program queries the mediator database for a suitable mediator based on certain pre-established criteria including the mediator's language, location, and field of expertise. The ODR System Program then automatically detects a suitable mediator by matching the criteria in the mediator database with information supplied by the parties during the NEGO-MED-ARB process. In stage 682, the ODR System Program selects the mediator after evaluating the mediator's workload; if the mediator's workload renders doubt as to the mediator's ability to conduct the mediation, the ODR System Program selects a different mediator. In stage 684, the ODR System Program sends an email notice to the selected mediator of the mediator's selection; the notice provides information that will enable the mediator to access pertinent information about the dispute from the ODR System Web site. The mediator accesses its private mediator Web space on the ODR System Web site, and analyzes the information relating to the dispute. The mediator then decides whether he or she is competent to perform the mediation (i.e., the mediator is sufficiently independent from the parties and events giving rise to the dispute; if the mediator accepts the appointment, then in stage 690 the ODR System Program appoints the mediator to mediate the case. After the ODR System Program notifies the mediator of its selection to the case in stage 684, the mediator must accept the appointment within a pre-determined time-frame; if the ODR System Program determines in stage 688 that the mediator exceeded the time-frame, then process resumes at stage 680 as described above. Steps 680 through to 688 are repeated until a mediator is appointed to the case.

[0063] 6. NEGO-MED-ARB Event Time-Frame

[0064] In some embodiments, the dispute resolution service events comprising the NEGO-MED-ARB System operate within a pre-determined, expedited time-frame. Table 1 below includes a chronological ordering of certain time-sensitive NEGO-MED-ARB System events (middle column) correlated with the time-period in business days within which the event must occur (third column), according to some embodiments; the events are additionally correlated to the stages in the NEGO-MED-ARB Process as described in FIGS. 3C(1) to 3C(7). Four time-period entries (third column) have an asterisk to indicate stages where the process may be terminated in the event the parties reach agreement.

TABLE 1

Stage(s) (FIG. 3C)	Description of NEGO-MED-ARB Event	Time-Period
270	Customer Application received and accepted	0
370	Merchant-Party Response to Application received and accepted	7*
420	Customer Reply to Response received and accepted	10*
454–462	Parties prepare to start mediation	14
480	Mediator appointed	15
494	Mediator sends mediator proposed solutions to parties	16

TABLE 1-continued

Stage(s) (FIG. 3C)	Description of NEGO-MED-ARB Event	Time-Period
510–512	Parties' response to mediator proposed solutions received and accepted	19*
572	Mediator sends proposed final solution to parties	20
592	Parties' response to proposed final solution received and accepted	23*
598–600	Proposed final solution notice sent to parties	24

[0065] Negotiation/Mediation/Arbitration System

[0066] 1. Arbitration/Mediation Clause Incorporation Process

[0067] In some embodiments, an Arbitration/Mediation Clause (hereafter, "Contact Clause") is made accessible on the ODR System Web site. The Contact Clause will be available for any party to copy and incorporate in a commercial contract. The Contact Clause provides that the parties to a contract agree to a binding resolution produced by the Negotiation/Mediation/Arbitration System in the event of a dispute arising from the contract. Different versions of the Contact clause (available in different languages) allow the parties to bind themselves to selective ODR processes in the Negotiation/Mediation/Arbitration System; thus, parties may select one or more ODR processes including negotiation, mediation, and voluntary or binding arbitration. The Contact Clause is intended to be enforceable as a matter of commercial contract law; however, enforceability of the Contact Clause in a particular case will depend on the particular facts of the case in view of the commercial law in the relevant jurisdiction.

[0068] 2. Negotiation/Mediation/Arbitration Services Process

[0069] FIG. 4A is a flow diagram illustrating the stages of the process logic of the Negotiation/Mediation/Arbitration System, according to some embodiments. The Negotiation/Meditation/Arbitration Process may be initiated in various ways. In some embodiments, a party may initiate the Negotiation/Mediation/Arbitration Process from the ODR System Web site without having any prior connection to the ODR System. In some embodiments, a party may initiate the Negotiation/Mediation/Arbitration Process via a Trust Mark posted at an e-commerce Web site. In these embodiments (as in the NEGO-MED-ARB System), the e-commerce Web site owner typically has made a prior arrangement with the ODR System owner for use of the Trust Mark and the ODR System services.

[0070] Turning to FIG. 4A, in stage 700 of the illustrative process, a merchant (hereafter, "First Merchant"), who may be either the buyer or seller, initiates the Negotiation/Meditation/Arbitration processes with another merchant (hereafter, "Second Merchant") by accessing the ODR System Web site; the parties do not need to be merchant-partners or otherwise previously associated with the ODR System to initiate the Negotiation/Meditation/Arbitration processes. In stage 702, the System Web site provides a hyperlink to one or more Web pages for "Business Disputes" which contains information about how to initiate ODR with another merchant; the information provided at this stage may include an

overview of the rules and procedures of the Negotiation/ Mediation/Arbitration processes, how to access the ODR System Web site, fees and payment processes, choice of language, and biographical descriptions of the arbitrators and mediators available for resolving disputes. Two further hyperlinks are provided to enable the First Merchant to access the ODR System: one for merchants with existing user accounts ("User Login") and one for new users ("Create User Login"). New users must create a user account before they can access the Negotiation/Mediation/Arbitration processes. The new user is required to provide the ODR System Program with contact and identity information (for example, business name, telephone number, postal address, email address). After receiving necessary information from the new user, the ODR System Program creates a new user account for the user which provides the merchant with private Web space (hereafter, "merchant private Web space") on the ODR System Web site. The merchant private Web space centralizes the information and control required to perform Negotiation/Mediation/Arbitration processes; this may include case status information, access and delivery of electronic forms, and hyperlink commands to execute procedures in furtherance of Negotiation/Mediation/Arbitration processes. If the First Merchant elects to proceed after reviewing the information provided in stage 702, then the ODR System Program creates a new user account in stage 704. Existing users do not need to create a new account, and instead may hyperlink to a user login page to access their account as described in the next stage 706. The new user in stage 704 provides additional information regarding the new user's preferred method of communication (e.g., fax, email) and "news" preferences. (The ODR System Program will offer news updates to users who wish to receive them; in some embodiments, the news will convey current status information for a party's pending disputes.) The ODR System Program processes the information and assigns a unique access-key, such as a username and password, to the new user for access to user's private Web space on the ODR System Web site.

[0071] In stage 706, the First Merchant accesses its user's Web space with its unique access-key, and is presented with an Negotiation/Mediation/Arbitration Start Page; the Negotiation/Mediation/Arbitration Start Page provides a multi-page online Application Form which is completed by the First Merchant and created dynamically by the ODR System Program in response to information provided by the First Merchant. In particular, the First Merchant is initially presented with a short series of questions (or option buttons) to answer (or select), which the First Merchant performs and submits to the ODR System Program in stage 708. The ODR System Program then determines what types of Negotiation/ Mediation/Arbitration processes the First Merchant has selected; selections may include—individually or in combination—the Negotiation System 144, the Mediation System 146, or the Arbitration System 148 (FIG. 2B). In some embodiments, the First Merchant may also select whether a Contact Clause governs the particular dispute at issue and legally binds the parties to Negotiation/Mediation/Arbitration resolutions. On the basis of the Negotiation/Mediation/Arbitration processes selected by the First Merchant, the ODR System Program dynamically constructs the remainder of the Application Form in the user's private Web space in accordance with the First Merchant selections. Additional information required by the Application Form may include

detailed information about the dispute, and any characteristics the First Merchant prefers in the selection of suitable mediators and arbitrators. The ODR System Program ensures in stage 710 that the Application Form is properly completed. In stage 712, the ODR System Program determines whether the Application Form has been validly completed; if it has not been validly completed (e.g., it is missing material information), then the ODR System Program sends a notice to the First Merchant of the deficiency and returns process to stage 714. If the ODR System Program determines that the Application Form was validly completed, then a notice of acceptance is sent to the First Merchant in stage 716.

[0072] In stage 718, the ODR System Program determines from the Application Form whether a Contact Clause binding the parties to Negotiation/Mediation/Arbitration procedures governs the dispute and designates the ODR System as the dispute resolution provider. In some embodiments, if a governing Contact Clause is indicated by the First Party, the ODR System Program assumes that the Contact Clause is valid against both parties; in some embodiments, an ODR System Clerk may conduct further investigation to ensure the validity of the Contact Clause against the parties. In stage 726, if the ODR System Program determines that a Contact Clause governs the dispute, then an email notification is sent to the Second Merchant regarding the initiation of Negotiation/Mediation/Arbitration processes against him. The email notice includes information regarding how to access the ODR System Web site to view information relating to the dispute, how to create a user account (if the Second Merchant is a new user), and the time limit within which the Response Form must be completed. If the ODR System Program determines that a Contact Clause does not govern the dispute, then in stage 720 an email notice of the initiated Negotiation/Mediation/Arbitration processes is sent to the Second Merchant with instructions to answer the First Merchant allegations within a pre-determined time period. The email notice additionally requests the Second Merchant to voluntarily participate in the Negotiation/Mediation/Arbitration processes, and provides background information to assist the Second Merchant in deciding to participate. In stage 722, the ODR System Program waits for a pre-determined time period for the Second Merchant to send an answer. In stage 730, the ODR System Program receives the answer and determines from the received message whether the Second Merchant has agreed to voluntarily participate in Negotiation/Mediation/Arbitration processes; if the pre-determined time period expires prior to receipt of the Second Merchant answer, then the ODR System Program terminates the proceedings in stage 734. If the Second Merchant answer indicates its decision to voluntarily participate in Negotiation/Mediation/Arbitration processes, then in stage 736 the ODR System Program notifies the parties that Negotiation/Mediation/Arbitration processes have initiated to resolve their dispute in accordance with their express agreement; the email notification sent to the Second Party includes a Response Form that the Second Party must complete within a specified time-period.

[0073] In stage 738, the Second Merchant submits the requested information in the Response Form to the ODR System Program; requested information in the Response Form includes information about the dispute, the Second Merchant's preferred mediator/arbitrator characteristics (used during selection of mediators and arbitrators), and

counter-claims (in the arbitration process), if any. If the Second Merchant makes a counterclaim, it will be required to estimate the value of the claim. The ODR System Program will assess fees from the Second Merchant as a proportion of this value. In stage 740, the ODR System Program conducts an administrative review of all case-related information. The administrative review includes determining whether the relevant forms (i.e., the Application Form and the Response Form) were properly completed, and whether the parties have made proper payment for the DR services. If the administrative review is successful, the ODR System Program changes the status of the case to "In Progress," and sends email notifications to the parties that the case is proceeding; otherwise, in stage 744, the ODR System Program System identifies the deficiency and sends an email notice with instructions to correct the deficiency to the relevant party. In stage 742, the ODR System Program has determined after administrative review that the case is ready to proceed, and in stage 748 sends a notice to the parties that Negotiation/Mediation/Arbitration processes have initiated. After stage 748, the parties enter the nego-tiation process 751, the mediation process 757, and the arbitration process 771, or some combination of the three; the particular combination of ODR processes applied by the ODR System Program depends upon the express agreement of the parties as determined by the ODR System Program in prior stages.

[0074] In the illustrative embodiment of FIG. 4A, the first ODR phase the ODR System Program initiates is the nego-tiation process 751. In stage 750, the ODR System Program determines whether the parties agreed to engage the nego-tiation process. If the parties did not agree to a negotiation process, then the ODR System Program initiates the media-tion process 771, or some combination of the three; the conducts the negotiation process in stage 752. In stage 754, the ODR System Program determines whether the parties reached agreement after the negotiation process. If an agree-ment was reached, then in stage 782 the ODR System Program constructs an Agreement Form reciting the agree-ment reached, which it then sends to the parties for approval. The ODR System Program then closes the case in stage 764.

[0075] In the mediation process, the ODR System Pro-gram determines in stage 756 whether the parties selected to engage in the mediation process. If the parties did not select mediation, then the ODR System Program initiates the arbitration process 771; otherwise, the ODR System Pro-gram conducts the mediation process in stage 758. The ODR System Program determines whether an agreement was reached by the parties in stage 760. If an agreement was reached, the ODR System Program constructs an Agreement Form reciting the agreement reached, which it then sends to the parties for approval. The ODR System Program then closes the case in stage 764.

[0076] In the arbitration process, the ODR System Pro-gram determines in stage 770 whether the parties selected to engage in the arbitration process. If the parties did not select arbitration, then the ODR System dismissed the case in stage 776, and terminates all processes related to the case in stage 780; otherwise, the ODR System Program conducts the arbitration process in stage 772. In stage 774, the ODR System Program determines whether an award was granted by the arbitrator (note that more than one arbitrator may be assigned to the case). If an award was granted, the ODR

System Program closes the case in stage 764. If not award is granted by the arbitrator, the ODR System Program dismisses the case in stage 776, and then terminates all processes related to the case in stage 780.

[0077] 3. Mediator and Arbitrator Appointment Process

[0078] FIG. 4B is a flow diagram illustrating the stages in the mediator and arbitrator appointment process in the Negotiation/Mediation/Arbitration System, according to some embodiments of the invention. In stage 800, a pro-spective mediator or arbitrator accesses the ODR System Web site and is directed to an online Enrollment Form. In stage 802, the prospective mediator or arbitrator provides the information requested by the Enrollment Form; the information may include the mediator or arbitrator's field of expertise, geographic location, and language proficiency. In stage 804, the information provided on the Enrollment Form is stored by the ODR System Program and made accessible to the Selection Council. In stage 806, the Selection Council reviews the information from the Enrollment Form to deter-mine whether the applicant qualifies as a suitable mediator and/or arbitrator. In stage 808, the mediators or arbitrators approved by the Selection Council are added to an arbitrator/ mediator database maintained by the ODR System Program.

[0079] Stages 810 to 836 occur when the ODR System Program is required to appoint a new mediator or arbitrator to a case. In stage 810, the ODR System Program queries the arbitrator/mediator database for a suitable mediator or arbi-trator based on pre-determined criteria which may include the mediator's or arbitrator's language, geographic location, and field of expertise. The ODR System Program detects a suitable mediator or arbitrator by matching the characteris-tics of the case subject matter and the parties' preferred characteristics with the characteristics of the arbitrators/ mediations in the arbitrator/mediator database. In stage 812, the ODR System Program selects a mediator or an arbitrator and evaluates whether the selected mediator/arbitrator's work schedule permits proper performance in the case. In stage 814, after matching characteristics and determining availability, the ODR System Program selects the mediator/ arbitrator and sends an email notice regarding his or her selection. In stage 816, the mediator/arbitrator must examine the information relating to the case to determine whether he or she is sufficiently independent of the dispute and the parties to undertake the appointment. The mediator/arbitra-tor submits a declaration of independence to the ODR System Program before he or she may accept the appoint-ment. The mediator or arbitrator must accept or reject the appointment within a certain time frame. In stage 818, the ODR System Program determines whether the mediator/ arbitrator accepted the appointment within a specified time frame; if the time expired for submitting the acceptance (or the mediator/arbitrator refused the appointment), then the ODR System Program returns to stage 810 to select a new mediator/arbitrator. Stages 810 through to 818 are repeated until a mediator or arbitrator accepts the appointment; in some embodiments, a panel of mediators or arbitrators may be appointed, requiring further repetitions of stages 810 to 818.

[0080] In stage 822, the ODR System Program sends an email notification of the mediator/arbitrator appointment to the First Merchant and the Second Merchant. In stage 824, either party may at any time challenge the appointment of

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the mediator/arbitrator. If no challenge is issued by the parties to the mediator/arbitrator appointment, then the appointment is finalized in stage 836; otherwise, in stage 826, the challenging party completes an online form indicating its rationale for challenging the appointment. The Selection Council accesses the challenging party's rationale, and in stage 828 analyzes their merit. In stage 830, the Selection Council notifies the parties and the challenged mediator/arbitrator of its decision. In stage 832, if the Selection Council adopts the challenge, then the challenged mediator/arbitrator is dropped from the case and a new mediator/arbitrator is appointed in stages 810 through 818; otherwise, the challenged mediator/arbitrator appointment is finalized in stage 836.

We claim:

1. A method of providing integrated dispute resolution services over a computer network for resolving a dispute between a first party and a second party, comprising:

distributing a Web site over the computer network;

negotiating a first solution using the Web site;

mediating a second solution using the Web site; and

arbitrating a third solution using the Web site.

2. The method of claim 1, further comprising:

performing the negotiation before the mediation; and

performing the mediation before the arbitration.

3. The method of claim 1, further comprising establishing an agreement between the second party and the owner of the dispute resolution services to accept the third solution in exchange for access to the dispute resolution services.

4. The method of claim 1, wherein the first party includes one or more customers of the second party, including one or more individuals or corporate entities, and the second party includes one or more merchants, including one or more individuals or corporate entities.

5. The method of claim 1, further comprising providing a link to the second party for display on the second party's Web site, wherein the link provides access to the dispute resolution services on the Web site and operates to identify the dispute resolution services.

6. The method of claim 5, wherein the link operates as a hyperlink to the dispute resolution services on the Web site.

7. The method of claim 5, wherein the link operates as a trademark.

8. The method of claim 5, wherein the link includes a unique identifier identifying the second party using the link.

9. The method of claim 8, further comprising determining the second party to the dispute using the link.

10. The method of claim 5, further comprising:

determining whether the first party accessed the Web site via the link;

if the first did not access the Web site via the link, then providing to the first party a list of merchant-partners; and

receiving a selection from the first party of the second party to the dispute from the list of merchant-partners.

11. The method of claim 1, wherein negotiating the first solution includes:

receiving application information from the first party, including one or more proposed solutions to the dispute;

providing the application information to the second party;

receiving an agreement from the second party to one of the first party proposed solutions; and

establishing a first solution based on the second party agreement.

12. The method of claim 9, wherein receiving the second party agreement occurs on or within seven days.

13. The method of claim 9, wherein negotiating the first solution further includes:

if the first solution is not accepted by the parties, then:

receiving response information from the second party in response to the application information, including one or more proposed solutions to the dispute;

providing the second party response information to the first party;

receiving an agreement from the first party to one of the second party proposed solutions; and

establishing the first solution based on the first party agreement.

14. The method of claim 11, wherein receiving the first party agreement occurs on or within ten days.

15. The method of claim 1, wherein mediating the second solution includes:

appointing a mediator to mediate the dispute;

providing information relating to the dispute to the mediator;

receiving one or more solutions to the dispute proposed by the mediator;

providing the proposed mediator solutions to the parties;

receiving a response from each party, including a proposed mediator solution acceptable to each party;

determining whether the parties agreed on the acceptable proposed mediator solution; and

establishing a second solution based on the acceptable proposed mediator solution.

16. The method of claim 13, wherein the proposed mediator solutions are provided to the parties on or within sixteen days of receiving the application information.

17. The method of claim 13, wherein the parties' response to the proposed mediator solutions is received on or within nineteen days of receiving the application information.

18. The method of claim 13, wherein the acceptable proposed mediator solution is determined from a ranking of the proposed mediator solutions by each party in order of acceptability.

19. The method of claim 13, wherein determining whether the parties agreed on the acceptable proposed mediator solution is automated.

20. The method of claim 1, wherein arbitrating the third solution includes automatically generating a third solution

based on the proposed mediator solutions and the parties' responses to the proposed mediator solutions.

21. The method of claim 1, wherein arbitrating the third solution includes:

providing information relating to the dispute to the mediator;

receiving a proposed final solution determined by the mediator; and

establishing the third solution based on the proposed final solution.

22. The method of claim 19, wherein the proposed final solution is provided to the parties on or within twenty days of receiving the application information.

23. The method of claim 19, wherein the parties' response to the proposed final solution is received on or within twenty-three days of receiving the application information.

24. The method of claim 19, wherein the third solution is provided to the parties on or within twenty-four days of receiving the application information.

25. The method of claim 1, further comprising:

receiving a proposed solution to the dispute from one of the parties at anytime during the dispute resolution process;

providing the proposed solution to the other party;

receiving an agreement by the other party to the proposed solution; and

establishing a fourth solution based on the other party's agreement.

26. A computer system for providing integrated dispute resolution services over a computer network for resolving a dispute between a first party and a second party, comprising:

at least one server computer connected to the computer network; and

a computer program executed by the server computer, wherein the computer program further comprises computer instructions for:

distributing a Web site over the computer network;

negotiating a first solution using the Web site;

mediating a second solution using the Web site; and

arbitrating a third solution using the Web site.

27. The computer system of claim 26, wherein the computer program further comprises computer instructions for:

performing the negotiation before the mediation; and

performing the mediation before the arbitration.

28. The computer system of claim 26, wherein the computer program further comprises computer instructions for determining the second party to the dispute using a link.

29. The computer system of claim 26, wherein the computer program further comprises computer instructions for:

determining whether the first party accessed the Web site via the link;

if the first did not access the Web site via the link, then providing to the first party a list of merchant-partners; and

receiving a selection from the first party of the merchant-partner to the dispute from the list of merchant-partners.

30. The computer system of claim 26, wherein the computer instructions for negotiating the first solution includes computer instructions for:

receiving application information from the first party, including one or more proposed solutions to the dispute;

providing the application information to the second party;

receiving an agreement from the second party to one of the first party proposed solutions; and

establishing a first solution based on the second party agreement.

31. The computer system of claim 30, wherein the computer instructions for negotiating the first solution further includes computer instructions for terminating the negotiation if the second party agreement is received after the seventh day from the date of receiving the application information.

32. The computer system of claim 30, wherein the computer instructions for negotiating the first solution further includes computer instructions for:

if the first solution is not accepted by the parties, then:

receiving response information from the second party in response to the application information, including one or more proposed solutions to the dispute;

providing the second party response information to the first party;

receiving an agreement from the first party to one of the second party proposed solutions; and

establishing the first solution based on the first party agreement.

33. The computer system of claim 30, wherein the computer instructions for negotiating the first solution further includes computer instructions for terminating the negotiation if the first party agreement is received after the eleventh day from the date of receiving the application information.

34. The computer system of claim 26, wherein the computer instructions for mediating the second solution include computer instructions for:

appointing a mediator to mediate the dispute;

providing information relating to the dispute to the mediator;

receiving one or more solutions to the dispute proposed by the mediator;

providing the proposed mediator solutions to the parties;

receiving a response from each party, including a proposed mediator solution acceptable to each party;

determining whether the parties agreed on the acceptable proposed mediator solution; and

establishing a second solution based on the acceptable proposed mediator solution.

35. The computer system of claim 34, wherein the computer instructions for mediating the first solution further includes computer instructions for terminating the mediation

if the parties' responses to the proposed mediator solutions are received after the nineteenth day of receiving the application information.

36. The computer system of claim 34, wherein the computer instructions for mediating the first solution further includes computer instructions for determining the acceptable proposed mediator solution from a ranking of the mediator proposed solutions by each party in order of acceptability.

37. The computer system of claim 34, wherein the computer instructions for arbitrating the third solution includes computer instructions for automatically generating a third solution based on the proposed mediator solutions and the parties' responses to the proposed mediator solutions.

38. The computer system of claim 34, wherein the computer instructions for arbitrating the third solution includes computer instructions for:

providing information relating to the dispute to the mediator;

receiving a proposed final solution determined by the mediator; and

establishing the third solution based on the proposed final solution.

39. The computer system of claim 38, wherein the computer instructions for arbitrating the third solution further includes computer instructions for terminating the arbitration if the parties' response to the proposed final solution is received after twenty-three days of receiving the application information.

40. The computer system of claim 26, further comprising computer instructions for:

receiving a proposed solution to the dispute from one of the parties at anytime during the dispute resolution process;

providing the proposed solution to the other party;

receiving an agreement by the other party to the proposed solution; and

establishing a fourth solution based on the other party's agreement.

41. A method of providing integrated dispute resolution services over a computer network for resolving a dispute between a first party and a second party, comprising:

distributing a Web site over the computer network;

negotiating a first solution using the Web site;

mediating a second solution using the Web site;

arbitrating a third solution using the Web site;

wherein negotiating the first solution includes:

receiving application information from the first party, including one or more proposed solutions to the dispute;

providing the application information to the second party;

receiving an agreement from the second party to one of the first party proposed solutions; and

establishing a first solution based on the second party agreement;

if the first solution is not accepted by the parties, then:

receiving response information from the second party in response to the application information, including one or more proposed solutions to the dispute;

providing the second party response information to the first party;

receiving an agreement from the first party to one of the second party proposed solutions; and

establishing the first solution based on the first party agreement;

wherein mediating the second solution includes:

appointing a mediator to mediate the dispute;

providing information relating to the dispute to the mediator;

receiving one or more solutions to the dispute proposed by the mediator;

providing the proposed mediator solutions to the parties;

receiving a response from each party, including a proposed mediator solution acceptable to each party;

determining whether the parties agreed on the acceptable proposed mediator solution; and

establishing a second solution based on the acceptable proposed mediator solution; and

wherein arbitrating the third solution includes:

providing information relating to the dispute to the mediator;

receiving a proposed final solution determined by the mediator;

establishing the third solution based on the proposed final solution.

42. A computer data signal embodied in a carrier wave for providing integrated dispute resolution services over a computer network for resolving a dispute between a first party and a second party, the signal comprising data generated by:

distributing a Web site over the computer network to the first party and the second party;

negotiating a first solution using the Web site;

mediating a second solution using the Web site; and

arbitrating a third solution using the Web site.

* * * * *

COPY OF MURRAY ET AL. U.S. PATENT NO. 5,023,851

[54] METHOD FOR PRESENTING ELECTRONIC CALENDAR INFORMATION IN AN INTERACTIVE INFORMATION HANDLING SYSTEM

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[52] U.S. Cl. 368/41; 368/28
[58] Field of Search 368/28, 41

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Primary Examiner—Bernard Roskoski
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[57] ABSTRACT

A method of simultaneously displaying day calendar information in first and second view ports, each of which displays it's calendar data in a different format. The information in the two simultaneously displayed view ports is functionally interrelated to provide an improved interactive user interface.

The first viewport has a time structured format which displays a sequence of predesignated time slots, each of which represents a fixed period of time, such as 30 minutes. Each time slot is allocated to one display line in the viewport. If the number of time slots allocated between the beginning and end of a calendar day is greater than the number of display lines in the viewport, then the information is scrollable so that the entire day may be viewed by the operator. The first viewport also includes at least one column that is used to display a vertical busy bar adjacent to a time slot which indicates that the slot is already scheduled.

The second viewport is used to enter the start time and end time of an event being calendared along with a free form text description of the event that is being calendared. The description is not limited in length or tied to the time period of the event. The length of the description is therefore independent of the number of display lines representing the overall time period of the event since there are no pre-established time slots in the second viewport.

The information in the two viewports is interrelated in that the start time and end time of each event calendared in the second viewport is used to establish the busy bars in the first viewport.

11 Claims, 5 Drawing Sheets

FIG. 1

```
34  ┌──────────────────────────────────────────────────────────────┐
    │                      MAIN MENU                                 │
31  │ ┌──────────────────────────────────────┐                      │
27  │ │ PRINT   DIR   CHANGE_DIR   PROFILE    │                      │
    │ └──────────────────────────────────────┘                      │
    │                                                                │
    │        1. MAIL                                                 │
    │                                                                │
    │        2. LIBRARY                                              │
    │                                                                │
    │        3. PHONE DIRECTORY                                      │
    │           ┌─ ─ ─ ─ ─ ─ ─ ─ ─┐                                 │
    │        4. │ CALENDAR         │── 35                            │
    │           │                  │                                 │
    │        5. │ SPREADSHEET      │                                 │
    │           └─ ─ ─ ─ ─ ─ ─ ─ ─┘                                 │
    │        6. WORDPROCESSOR                                        │
    │                                                                │
    │                                                                │
33  │ ENTER A SELECTION                                              │
    │                                                                │
32  │    F1=HELP              F10=EXIT                               │
    └──────────────────────────────────────────────────────────────┘
```

FIG. 2

34
31 VIEW MOVE COPY ADD DELETE CALENDAR FIND PROOF PRINT EXIT

DAY CALENDAR

27 DATE FEB. 29 88 CALENDAR FOR I.M. USER
CMD START END SEC DESCRIPTION 49

39 9:00am 10:00am 51 Meeting with Don Smith about E3
Editor. His office.
10:00am 12:00n Department meeting to update members on the move to new offices and general update on work status.
11:00am 12:30pm Design Group Review
6F13
This meeting is to review the work thats been going on for our 60 day work effort. Bring accomplishments and concerns. Only 10 more days to go. For some that's good, for others well...Please don't forget to keep your people updated for this meeting and the results from it.

Th

38
8:00am **42**
8:30am
9:00am
9:30am **43**
10:00am
10:30am
11:00am
11:30am Th **41**
12:00n
12:30pm **40**
1:00pm
1:30pm
2:00pm
2:30pm **45**
3:00pm **50**
3:30pm

47 48

33 MESSAGE AND PROMPT AREA

32 F1=HELP F3=CANCEL F7=PREV DAY F8=NEXT DAY F10=EXIT

FIG. 3

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DAY CALENDAR 62

| VIEW | MOVE | COPY | ADD | DELETE | CALENDAR | FIND | PROOF | PRINT | EXIT |

DATE FEB. 29 88   CALENDAR FOR I.M. USER

CMD START END SEC   DESCRIPTION

8:00am
8:30am
9:00am
9:30am
10:00am
10:30am
11:00am
11:30am
12:00n
12:30pm
1:00pm
1:30pm
2:00pm
2:30pm
3:00pm
3:30pm

Th

2:00am 3:00pm   Work group meeting 07-F13 to dis-
                 cus patent coverage of project.
4:00pm 5:00pm   Finish weekly report.
                 51

MESSAGE AND PROMPT AREA

F1=HELP   F3=CANCEL   F7=PREV DAY   F8=NEXT DAY   F10=EXIT

34
31
27
44--->
33
32

FIG. 4

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DATE	CALENDAR NAME	USER	START TIME	END TIME	SEC-UR'Y	EVENT	DESCRIPTION
022988	MAIN	USER IMA	9:00am	10:00am		Meeting with Don Smith about E3 Editor. His office.	
022988	MAIN	USER IMA	10:00am	12:00n		Department meeting to update members on the move to new offices and general update on work status	
022988	MAIN	USER IMA	11:00am	12:30pm		Design Group Review 6F13 This meeting is to review the work thats been going on for our 60 day work effort. Bring accomplishments and concerns. Only 10 more days to go. For some that's good, for others well ..... Please don't forget to keep your people updated for this meeting and the results from it.	

FIG. 5

METHOD FOR PRESENTING ELECTRONIC CALENDAR INFORMATION IN AN INTERACTIVE INFORMATION HANDLING SYSTEM

FIELD OF THE INVENTION

This invention relates in general to electronic calendaring methods and in particular to a method of simultaneously displaying calendar information in two different interrelated formats.

BACKGROUND ART

The prior art has disclosed a number and variety of interactive electronic calendaring systems and methods. The objective of all of these systems is primarily to assist the person who, for a number of different reasons, maintains a calendar of future events containing various information about the event at entry points on the calendar which relate to the time of the event.

The increase of personal computers and intelligent workstations in recent years has made it possible for calendar owners to establish and maintain their calendars on these interactive type data processing systems.

Two general types of interactive electronic calendaring systems have thus evolved in the art. In one type of calendaring system, the owner of the calendar is generally also the user of the workstation and that workstation is generally not a part of a larger network. Generally, in these types of systems, the calendar functions involve presenting a screen to the user representing a day calendar divided into a number of time periods or time slots. Each period is capable of displaying a limited amount of text that the user enters. In some systems, the day calendar can scroll vertically to present more time periods to the user or horizontally to present longer text entries. The operator can generally "page" forward or backward and, in most arrangements, can display a requested date. These calendaring arrangements generally do not limit the type of event that is calendared nor the terminology employed at any of the entry points and, to that extent, function in the same manner as conventional manual calendars or appointment books. The electronic calendaring method and systems do have an advantage over the prior art manual calendaring of events in that the user generally has the ability to scan a time span involving a large number of days and identify calendared events quite rapidly. U.S. Pat. Nos. 4,645,238, 4,591,840 and 4,626,836 describe representative prior art methods and systems involving electronic type calendar arrangements.

The other type of calendaring arrangement that has developed in the prior art involves multi-user environments having a large number of terminals or workstations which are generally part of a larger communication network that has been established to permit the users to interact with each other and with data maintained on the data processing system. In this environment, a user at a terminal or workstation can send a message to one or more of the other users on the network and is notified when the addresses has received and read the message.

In both of the above environments there are two general formats employed for displaying calendar data related to a particular day. The first day calendar format comprises a plurality of time slots which are specifically identified as such on the screen. In this time structured format the length of the time slot period for a particular application is fixed. In one application the time slot period may be fixed at 15 minutes. In another application the time slot period may be fixed at 30 minutes. Similarly the starting time and ending time for the day being displayed are generally pre-established in particular applications but different applications will have different starting and ending times for the calendar days. For example in one application the day calendar may cover 24 hours, i.e., 12:00 midnight to 11:59 p.m. In another application the day calendar will cover only 12 hours, i.e., from 6:00 a.m. to 6:00 p.m.

Since most display screens of interactive terminals are limited to generally 80 columns of text per line and approximately 20 lines of text, most calendar applications cannot display, on one screen, the entire period representing one complete day of calendared events. As a result the day calendar is allowed to scroll vertically between the starting time slot and the ending time slot. As a result the user generally cannot determine what free time is available merely by a quick glance at the calendar screen. The calendar must be scrolled. In a scenario where the user is attempting to determine what day is available for a three hour meeting in the late afternoon, he must page through each day calendar and when the calendar has to be scrolled to see the late afternoon time slots, considerable time can be involved.

In addition, in most applications, since the descriptive area is generally limited to one line to permit a larger number of time slots to be displayed, the description of the event is generally very cryptic. While some applications allow for horizontal scrolling to permit less cryptic descriptions of calendar events to be entered, the general consensus in the art is that such an approach merely confuses the operator and while it may alleviate the problem of cryptic descriptions, it creates other problems of the same nature and magnitude.

The second format employed in some electronic calendaring methods does not structure the number of descriptive lines allocated to a time slot or a calendar event. In this later format, the operator enters the start time and the end time of the event in prescribed areas on the first line and then can enter as much text as necessary (within reason) to describe the event plus any comments, reminders, or directions that are appropriate. The next event is calendared before or after the first event depending on the time of the event and is also allowed as many lines as is necessary to describe that event. The main advantage of this second format is that the user feels less constrained and generally is not faced with the problem of deciphering some cryptic entry that was made a month earlier. In environments where a user is permitted to use another persons calendar, a higher level of understanding of the events that are calendared is also achieved.

There are of course some disadvantages because if there are a number of entries for the day, the available free time is not that readily discernible, but requires a rather concentrated scan of the starting and ending times of each entry to determine the length of free time that might be available between calendar units. Considerable more vertical scrolling time may also be involved depending on the number of events calendared and the levels at which they are described.

Users of electronic calendaring systems generally favor one system or the other and quite often management is reluctant to change from one format to the other, even though a newer electronic calendaring sys-

tem having considerable added function, may be available. The trauma for some users involved in the change of formatting approaches might discourage some from participating in the system.

The present invention is directed to a method of displaying to the user, calendar information in a manner that maintains the advantages of both formats so that prior users of either past format need not change their way of calendaring data but gain added advantages and functions over earlier prior art methods with which they are familiar.

SUMMARY OF THE INVENTION

In accordance with the method of the present invention a day calendar display screen is built which comprises first and second view ports, each of which displays a calendar day in a different format. The information in the two simultaneously displayed view ports is functionally interrelated to provide an improved interactive user interface.

The first viewport displays a sequence of predesignated time slots, each of which represents a fixed period of time such as 30 minutes. Each time slot is allocated to one display line in the viewport. If the number of time slots allocated between the beginning and end of a calendar day is greater than the number of display lines in the viewport, then the information is scrollable so that the entire day may be viewed by the operator. Normally, with 30 minute time slots and an 8 hour work day it is possible to display one full work day at a time when each display line contains one time slot. In certain display technologies, a smaller than normal character set may be employed so that more lines are available on the screen to accommodate more time slots. The user does have the choice of setting the time span or time periord of the time slot.

The first viewport also includes at least one column that is used to display a bar next to each time slot that has a scheduled event. The first viewport in the preferred embodiment occupies, for example the first 20 columns of an 80 column screen. The second viewport comprises the remaining 60 columns and is used to display the Start time and End times of events that have been calendared along with a free text description of each event that is calendared. The number of text lines used for the event description in the second viewport is independent of the number of time slot lines used to represent the time span of the related event in the first viewport

The information in the two viewports is interrelated in that the Start time and End time of each event calendared in the second viewport is used to establish a busy bar adjacent the corresponding time slot(s) of the first viewport. The information in the second viewport is also scrollable automatically in response to the user selecting a time slot displayed in the first viewport. For example, to see the description of the event calendared at 2:00 pm, the user points to the 2:00 pm time slot in the first viewport with the cursor, and clicks the mouse which causes the second viewport to scroll so as to position the 2:00 pm event description at the top of the second viewport. Prior art selection techniques other than a mouse may also be employed.

In the preferred embodiment, each new event that is calendared is initially entered after the last entry in the descriptive area regardless of the start time of the event. After the new event is entered into the system in response to the user pressing the Enter key, the events are

sorted by Start times and displayed in chronological Start time order. If desired the viewports may be functionally interrelated to permit the user to select a time slot in the first viewport for the entry of a new event description. In this approach the second viewport is automatically scrolled to position one or more blank lines at the top of the screen so the new entry is will be in the correct time slot sequence.

The composite display of both formats simultaneously with the described interaction provides all of the advantages of the separate prior art calendaring displays.

It is therefore an object of the present invention to provide an improved electronic calendaring method for interactive display terminals.

Another object of the present invention is to provide an improved method for displaying day calendar information on the screen of an interactive terminal.

A further object of the present invention is to provide a method for simultaneously displaying day calendar information in two different formats which allow calendar data entered into one format to be reflected in other format.

A still further object of the present invention is to provide an improved method for displaying a day calendar in an electronic calendaring system so that all of the time slots comprising the work day are displayed at the same time on one portion of the screen and for each time slot that is reserved, a variable length busy bar is displayed and in another area of the screen a variable length description for the corresponding event is provided.

Objects and advantages other than those described above will become apparent from the following description of a preferred embodiment when read in connection with the drawing.

BRIEF DESCRIPTION OF THE DRAWING

FIG. 1 is a functional block diagram of a terminal of an interactive information handling system in which the method of the present invention may be advantageously employed.

FIG. 2 illustrates the main menu display screen of the interactive terminal shown in FIG. 1.

FIG. 3 illustrates the display screen presented in response to the user selecting the Calendar function on the screen of FIG. 2.

FIG. 4 illustrates the display screen of FIG. 3 after the descriptive panel has been automatically scrolled to the correct point in time to permit the description of the event to be viewed.

FIG. 5 illustrates the data structure for storing the calendaring information in the system.

DESCRIPTION OF THE PREFERRED EMBODIMENT

FIG. 1 illustrates the functional components of an interactive type data processing terminal on which the electronic calendaring method of the present invention may be advantageously employed. The terminal comprises a processing unit 11 which includes a microprocessor block 12, a semiconductor memory 13, and a control block 14 which functions to control input/output put operations in addition to the interaction between the micro processor block 12 and the memory unit 13.

The terminal further includes a group of conventional peripheral units including a display device 16, a keyboard 17, a printer 18, a disk storage unit 19, and a

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modem 20. Since the details of the above-described functional blocks form no part of the present invention and can be found in the prior art, only a brief functional description of each block is set forth, along with a description of their interactions, sufficient to provide a person of ordinary skill in the art with a basis of understanding applicants' improved electronic calendaring method.

Processing unit 11 corresponds to the "system unit" of a personal computer system such as the IBM XT, IBM AT or PS/2 type systems. Unit 11 is provided with an operating system program which may be one of the many versions of DOS (Disk Operating System) which is normally employed to run the systems. The operating system program is stored in memory 13 along with one or more application programs that the user has selected to run. Depending on the capacity of memory 13 and the size of the application programs, portions of these programs, as needed, may be transferred to memory 13 from the disk storage unit 19 which may include, for example, a 30 megabyte hard disk drive and a diskette drive. The basic function of the disk storage unit is to store programs and data that are employed by the system and which may readily be transferred to the memory unit 13 when needed. The function of the diskette drive is to provide a removable storage function for entering programs and data into the system, and a vehicle for storing data in a form that is readily transportable for use on other terminals or systems.

Display device 16 and keyboard 17 together provide for the interactive nature of the terminal, in that in normal operation, the interpretation that the system gives to a specific keystroke by the operator depends, in substantially all situations, on what is being displayed to the operator at that point in time.

In some situations, the operator, by entering commands into the system, causes the system to perform a certain function. In other situations, the system requests the entry of certain data, generally by displaying a prompt type of menu/message screen. The depth of the interaction between the operator and the system varies by the type of operating system and the application program, but is a necessary characteristic of terminals on which the method of the present invention may be employed.

The terminal shown in FIG. 1 further includes a printer 18, which functions to provide hard copy output of data developed or stored in the terminal. The modem 20 functions to transfer data from the terminal of FIG. 1 to a host system through one or more communication links which may be a commercial type link or a dedicated communication link. Lastly, a mouse 21 is provided to select items that are displayed by moving a selecting cursor that is displayed on the screen and is positionable by the mouse.

FIG. 2 is representative of the display panel that is presented to the user/operator immediately after the terminal is initialized. The content of this display screen is merely an example of the type of options that might be presented to the terminal user, and the overall functional areas of the screen which remain constant and are considered part of the user interface of the system.

It is assumed that the personal computer is provided with a display management system which uses a command bar for the selection of actions and a vertical scroll bar function which allows selected display screens to be scrollable under the control of a mouse.

The command bar portion of the screen shown in FIG. 2 is designated by referenced character 31. The commands that are shown for the panel are merely representative. The specific commands that are displayed on the command bar will vary depending on the information being displayed and the point in the task that is being performed. The user interface screen also includes a function key area 32 which allows the operator to request predetermined tasks or actions. Generally the task assigned to a function key does not vary within a given application program or operating system. Some function keys have obtained a defacto standard such as function key F1 which is generally used to request the display of a "help" panel. A message area designated 33 is provided to display prompts or error messages from the system to the operator.

The top line 34 of the screen is used to designate the name of the application program and/or the screen name. In a multi-tasking system, an area may also be provided to indicate other tasks that are presently active which have been open and are executing in a background mode.

The main display area of the screen is designated 27 and as such is shown in FIG. 2 with a number of tasks which are selectable. For example, moving the cursor vertically to each line, which causes the task to be highlighted, and pressing the enter key, causes the highlighted task to be selected. Other selection techniques described in the prior art may also be employed.

It is assumed for purposes of this description that the operator has just initialized the system and that the "Calendar" option 35 is selected. The screen shown in FIG. 3 is then displayed.

The screen shown in FIG. 3 comprises a pair of separate but functionally interrelated viewports or windows 38 and 39. Area 38 has a time structured format in which each display line represents a fixed time period. The area or space between a pair of horizontally adjacent lines is allocated to one time slot. As shown, each line or space between adjacent horizontal line represents a 30 minute time period or time slot. The height of the viewport 38 as shown, is 16 time slots. The viewport therefore covers an eight hour period. Time slots prior to 8:00 a.m. and after 3:30 p.m. may be provided, if desired, in which case the information is scrollable to bring these time slots into view. In the preferred embodiment a vertical scroll bar 40, including a "thumb", "elevator" or "scroll box" 41, is provided at the right edge of the viewport to permit a scrolling operation employing mouse 21, which first selects the "thumb" with a mouse directed cursor and then drags the "thumb" up or down in a vertical direction by moving the mouse. This operation causes the time slots to scroll either up or down.

The third area 45 of the viewport is called the busy bar area. Its function is to map busy or committed time slots with a vertical busy bar which extends between the pair of horizontal lines that define the time slot. In practice, two separate busy bar columns 42, 43 are employed so that any potential scheduling conflicts can be indicated since the busy bars in each column will overlap for the conflict period in an horizontal direction. Other techniques, such as assigning a blinking attribute to the portion of the bar representing the conflict, may also be employed if horizontal space is at a premium.

Viewport 38 is also provided with its own cursor shown as a reversed video box 44 in FIG. 4. The width

of the viewport 38 is approximately 15 display columns as shown.

The second viewport 39 is called the descriptive area and includes a Start time column 47, an End time column 48, and a descriptive area 49. The function of area 39 is to display information in detail about a scheduled event. The Start time of the event is entered in area 47 while the End time of the event is entered in area 48 and the text describing the event in the area 49. Area 49 does not, in theory, limit the amount of text that can be entered although in practice some practical maximum restraint, like 15 lines, may be imposed. It is important to note, that the number of text lines consumed by the description, are independent of the number of lines allocated to the time period scheduled for the event. For example, a description of an event scheduled for one hour, may take ten lines and a description for an event scheduled for an eight hour period may take one line.

The event description area includes two additional columns. The first column 50 is the command column labeled CMD in the display and the column 51 labeled SEC which is for a security designation for that entry. Each entry can be given a security classification by entering an appropriate designation in column 51. The calendaring system would then permit each event description to be screened in accordance with some pre-established protocol.

The command column is employed to select the entry for some type of conventional text editing operation such as move, copy, delete, etc.

The busy bars shown in the time structured format area 38 of FIG. 3 are directly related to the start and end times of the events that are entered in the descriptive area. For example, when the 10:00 am event shown in FIG. 3 was entered into the system, the busy bar in column 43 was displayed. When the 11:00 a.m. entry was entered, a bar was displayed in the second column since there was a bar already in the first column. The fact that the entry was made in the second column and not the first, signifies that a scheduling conflict has occurred. The user can readily see the conflict since the bars in columns 42 and 43 overlap for the 11:00 am and 11:30 am time slots.

As shown in the drawing, a busy bar for a half-hour time slot begins at an imaginary horizontal line midway between the relevant displayed time and the immediately preceding displayed time. The bar ends at a similar horizontal line underneath the relevant displayed line.

FIG. 4 illustrates a screen that is presented to the user after the user has selected a time slot. In accordance with the method of the present invention, selection of a time slot for either an initial calendar entry or an editing action on the description of an event that was previously calendared, results in automatic scrolling of the information in the descriptive area to position the appropriate line at some predetermined location on the screen. For example, that predetermined location may be the top line of the screen or a line immediately adjacent the time slot. As shown in FIG. 4, positioning the highlighting cursor 44 on the two o'clock time slot in FIG. 4 and pressing the enter key, causes the information area to be scrolled and to place the 2:00 pm entry at the top of the descriptive area.

FIG. 5 represents one form of data structure for storing the information that has been entered into the system for the calendared events. This data structure is employed to build the day screen. The time structured

format shown in the viewport 38 is selected by the user. While the user's default selection as established in his profile will generally be employed at the time the system is IPLed, the selection may be modified at any time by appropriate action of the user in that the length of the work day can be increased and the time span or period of a time slot can be shortened or lengthened.

The busy time bars are mapped dynamically by a program that scans the data stored in the data structure shown in FIG. 5. A map similar to that shown in Table 1, below, is used to build the busy bar area of the screens of FIGS. 3 and 4. The rows of the map shown in Table 1, correspond to time slots that have been allocated in the time structured format of viewport 38. The columns designated 0 and 1, correspond to the two columns of busy bars shown in FIG. 3. As shown in Table 1, a third column may also be mapped if desired, since a column 2 is provided in the map.

TABLE 1

| | | COLUMNS | | |
		42	43	XX
	0	0	0	0
	1	0	0	0
	2	1	0	0
	3	1	0	0
	4	1	0	0
	5	1	0	0
	6	1	1	0
Time	7	1	1	0
Slots	8	0	1	0
	9	0	0	0
	10	0	0	0
	11	0	0	0
	12	1	0	0
	13	1	0	0
	14	0	0	0
	15	0	0	0

The following pseudocode statements will be of interest to programmers in developing a program to create the busy bars.

```
MAIN ROUTINE
    CONVERT TIMES TO 24 HOUR VALUES
    SORT ENTRIES BY START TIME IF THEN END
    TIME
    CLEAR BAR POSITION MAP
    DO UNTIL ALL ENTRIES ARE DONE
        READ ENTRY START TIME AND END TIME
        CONVERT START AND END TIMES TO A BAR
        POSITION
        CHECK MAP FOR USE OF BAR POSITION
        DO WHILE BAR POSITION IN USE
            MOVE OVER 1 COLUMN POSITION
            CHECK BAR POSITION
        END DO WHILE
        CALL BAR ROUTINE WITH BAR POSITION
    END OF DO UNTIL
BAR ROUTINE
    DRAW BAR
    MARK BAR POSITION MAP WITH LOCATIOM OF
    NEW BAR
```

An example of a busy bar position map for the screen of FIG. 3 is shown in Table 1. A 1 in column 0, at rows 2–7, and 12–13, and in column 1, rows 6–8 generates the busy bars shown in FIG. 3. This map is prepared in accordance with the pseudo code listing set forth above and is used to build the busy bar section of the display that appears in viewport 38.

While a preferred embodiment of the present invention has been illustrated and described, it will be appar-

ent that various modifications may be made therein without departing from the spirit of the invention or scope of the dependent claims.

We claim:

1. A method for an interactive computer display terminal which employs a calendar program for maintaining day calendar data for the operator of said terminal and for displaying selected day calendar screens in which each event is calendared for one or more sequential time slots pre-established interactively by said operator and said program, with multi-line descriptions of said calendared events displayed contiguously in a time ordered fashion, said method assisting said operator to more readily determine the busy or free status of a specified time period covering one or more of said time slots and the detail nature of an event that is calendared for a busy time slot spanned by said time period, said method comprising the steps of,

(A) displaying at said terminal said selected day screen to illustrate for each calendared event, a start time, and end time and a description which can extend for a plurality of display lines,

(B) concurrently displaying at said terminal a vertical time scale in which successive pairs of adjacent display lines represent said time slots for one calendar day, and having displayed times on selected said display lines to assist said operator in interpreting said scale, and

(C) displaying a predetermined busy indicator adjacent each said time slot representation on said scale which has been calendared with an event to permit said operator to readily determine, (1) the status of a specific time slot merely by viewing said time scale, and (2) the details of an event when said specific time slot has said busy indicator displayed, by viewing the event description that is being concurrently displayed, said step of displaying a busy indicator further including the step of,

(i) automatically creating said busy indicator with said calendar program based on said start time and said end time of said event calendared for said specific time slot.

2. The method recited in claim 1, in which said terminal includes a cursor positioning device for indicating to said system, the selection of displayed data including the further step of,

(A) displaying a selection cursor that is movable to one selected said time slot in accordance with operation of said device.

3. The method recited in claim 2 in which said device is a mouse including the further steps of,

(A) moving said mouse to position said selection cursor to one of said selectable time periods, and

(b) clicking said mouse while said cursor is positioned on said one time period to select said one time period.

4. The method recited in claim 2 in which said step of displaying said busy indicator further includes the step of,

(A) displaying a vertical rectangular busy bar adjacent said time slot to provide an indication that said time slot is busy, each said bar extending vertically between one said pair of display lines representing said busy time slot so that said busy bars in sequential said time periods are displayed contiguously to represent one continuous vertical line.

5. The method recited in claim 4, including the step of,

(A) entering an event description into said terminal including the step of,

(1) entering said start and end times of said event description at predetermined cursor locations in start time and end time columns respectively in said first window.

6. The method recited in claim 5 further including the step of,

(A) creating with said calendar program at least one busy bar for display in said other window from data entered into said system during said step of entering an event description.

7. The method set forth in claim 6 further including the step of,

(A) entering another event description into said system including the steps of,

(1) positioning said cursor to a display line in said other window that corresponds to the start time of said another event description, and

(2) automatically scrolling in response to operation of said device the information in said one window to automatically position at least one blank entry line in horizontal alignment with said display in said other window containing said cursor to facilitate the entry of said another event description.

8. The method set forth in claim 6 further including the step of,

(A) modifying a previously entered event description including the steps of,

(1) positioning said cursor to said time slot displayed in said other window that corresponds to the start time of said event to be modified, and

(2) scrolling the information in said one window to automatically position the first line of said description of said event to be modified in horizontal alignment with said cursor to facilitate said step of modifying said previously entered event description.

9. A method to assist the operator of an interactive information handling system terminal, having a display screen which displays a predetermined number of display lines each of which has a predetermined number of character display positions, to readily determine (1) the busy status of a selected time period covering at least one of a plurality sequential time slots that have been established in a calendar application program by the interaction of said operator and said program, and (2) the detail nature of the event that causes said time slot to have a busy status, said method comprising the following sequential steps in combination,

(A) dividing said display screen vertically into a pair of windows each having substantially the same number of display lines, each display line in one window of said pair having a substantially greater number of said character display positions than the corresponding display line in said other window of said pair,

(B) displaying in said one window for a specific day, day calendar data maintained by said calendar program including the steps of,

(i) displaying a start time for each event in one column,

(ii) displaying an end time for each event in a second column, and

(iii) displaying an event description for each event in a third column which description can extend for a plurality of display lines in said third col-

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umn, said event descriptions for said specific day being displayed in order of said start times with said descriptions of two sequential events being displayed contiguously regardless of their respective said start times,

(C) displaying in said other window a vertical time scale in which each said time slot established by said calendar program is represented by the vertical space between two said display lines to permit substantially all of said time slots representing one calendar day to be displayed concurrently, including the further step of displaying near said scale specific times on selected display lines to assist said operator in readily interpreting said scale, and,

(D) displaying a busy indicator in a column adjacent said scale on said display line corresponding to a said time slot, when the time slot for said specific day has been calendared, including the further step of automatically generating each said busy indicator from said day calendar data, whereby said oper-

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ator may readily determine by viewing said scale if a time period is busy or free, and if busy the detail nature of the event that is calendared by viewing the displayed description.

10. The method recited in claim 9, further including the step of,

(A) scrolling said data displayed in said other window independently of said data displayed in said one window to display additional said time slots in said sequence when said number of interactively established time slots exceeds said predetermined number of display lines.

11. The method recited in claim 10, further including the step of,

(A) displaying in said other window a second indication when one said time slot has been calendared with more than one event to signify a scheduling conflict for that one said time slot.

* * * * *

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 April 2008</u>.

2a)☒ This action is **FINAL**.　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,15-44,47-103,119-130 and 133-162* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 15-44, 60-71, 47-103, 119-130 and 133-162* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ ~~Notice of Draftsperson's Patent Drawing Review (PTO-948)~~

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgment

1.   This is in response to amendment/remarks filed on 30 April 2008. Claims 1-12, 15-44,

60-71, 47-103, 119-130 and 133-162 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   Claims 1-12, 15-44, 60-71, 47-103, 119-130 and 133-162 are rejected under 35

U.S.C. 103(a) as being unpatentable over Israel et al. (U.S 6,766,307), in view of Landry et al.

(U.S 20030014265).

4.   As per claims 1-12, 15-44, 60-71, 47-103, and 119-130 and 133-162, Israel et al.

discloses a system and method for providing dispute resolution management. The system

utilizes software packages (application) (column 28, lines 39-50), and hardware combination

(column 8, lines 48-57) for input (keyboard) and display (monitor), as resources to achieve its

desired results.   The system can:

A.   ("receiving an indication from a user to file a claim against at least one party using a first

computer, wherein the claim comprises a request for a dispute management process

between the user and the at least one party") -- Receive dispute resolution management

request from users (column 2, line 44);

B. ("providing the user with a first plurality of dispute management features at the first

computer in response to receiving the indication at the first compute") -- Provide the

options/features of the dispute resolution management from users (column 3, lines 26-

30);

C. ("assigning a case manager, to manage the dispute management process using a second

computer in response to receiving the indication at the first computer, wherein managing

the dispute management process comprises guiding the user and the at least one party

through [[a]] the dispute resolution process"), ("providing the case manager with a second

plurality of dispute management features at the second computer") -- The system has a

program manager, which is equivalent to the case manager in question, that can include a

plurality of selectable actions such as, for example and not limited hereby, adding users,

modifying existing user data, transferring active cases from one user to another,

activating users, modifying account registration data, browsing all disputes, generating

detailed dispute reports, generating summary reports of disputes, browsing dispute

resolution cases, as well as other actions which are used by a manager of non-judicial

dispute resolutions, and any combination of one or more of the foregoing (col. 3, lines

13-24);

D. ("notifying the case manager of the assignment") -- The Program Manager will be

notified that the dispute(s) have been successfully transferred from one Program User to

another (col. 13, lines 23-25). Therefore the program is entity that is different from the

program users i.e., conflicting parties. The program manager is a user that has access to

the system (col. 11, lines 60-62);

E. ("wherein the second plurality of features comprises allowing the case manager to select

a neutral ") -- Additionally, the program manager interacts with management module

(col. 12, lines 7-15). The management module (a self-contained component that can

provide a complete function to a system and can be interchanged with other modules that

provides similar functions) is configured to transmit notices to each party to a dispute

regarding a change in the status of the dispute, the input of additional data in relation to

the dispute, the results of a query of the data contained within management module, or

any other information relating to the dispute and/or for transmitting the dispute resolution

data to the appropriate entity for mediation and/or arbitration (col.10, lines 13-20), in

other words, managing the dispute resolution process;

F. Computer system that offers dispute resolution through a third party mediator/arbitrator

(column 19, lines 1-29), different from the disputing parties. The system guides the

disputing parties through the process by allowing them to move seamlessly and

uninterrupted through the process (column 19, lines 34-37)'

G. Receive indication of a selected neutral or third party i.e., mediator or arbitrator (column

19, lines 2-8);

H. ("allowing the selected neutral to facilitate the dispute resolution process between the

user and the at least one party using a third computer ") -- Allow third party to facilitate

the dispute management process (column 19, lines 16-17);

I.   ("providing the user with access to a case filing application in response to receiving the
     indication from the user to filing file a claim") -- Have users as plaintiffs/claimants or
     defendants/respondents (column 4, line 42);

J.   Provide users with means to input registration data. This is equivalent to completing an
     on-line application form (column 9, lines 20-25);

K.   ("the indication indicates a dispute management feature for the dispute management
     application ") -- Receive request for and provide certain features of the dispute resolution
     management system (column 19, lines 43-47);

L.   ("providing the user with access to information relating to dispute management ");
     ("allowing the user to electronically search through the information"); ("wherein allowing
     the user to electronically search comprises receiving a keyword from the user") -- Provide
     users access with dispute management related information. Users can use electronically
     search the system using key words to find relevant information (column 19, lines 52-67);

M.   Provide users with contact information (e-mail) for mediators/arbitrators (column 5, lines
     38-42)

N.   ("providing the user with a directory, wherein the directory includes contact
     information") -- Provide on-line (documents only) or off-line mediation/arbitration (on-
     call) (column 5, lines 7-9). For online mediation/arbitration, all relevant documents can
     be transmitted electronically (column 5, lines 29-30, 39-40). For off-line
     mediation/arbitration, some of the relevant documents can be sent be transmitted, on-line;
     the rest of the transmission can be done via fax, phone or video (column 5, lines 31-33 &
     41-43);

O. Provide users with access to mediators/arbitrators, if users choose this particular option
(column 17, line 36-40)

P. Provide users with additional information regarding the mediator/arbitrator officers
(column 20, lines 44-52)

Q. Receive dispute information from users (column 17, lines 5-7)

R. Allow users to submit claim information (column 17, lines 5-7 & 44-50)

S. Users can prioritize the viewing of their disputes, based on urgency level (column 18,
lines 5-14)

T. Provide dispute information to mediators/arbitrators (column 5, lines 24-31)

U. Provide users with a preset period of time before the system logs them off (column 20,
lines 65-66)

V. Provide notifications to the arbitrators/mediators (column 17, lines 41-42)

W. Provide users with discussion area for dispute related discussions via chat rooms and
bulletin boards (column 4, line 14)

X. Provide users access to disputes that they have submitted (column 19, lines 43-44)

Y. Display all relevant information such as status or any recent activity (postings) of a
dispute (column 22 lines 63-65)

Z. Receive information from users regarding opposing parties or parties that have a conflict
of interest with the dispute (column 16, lines 47-50)

AA.   Allow users to create profiles (column 4, lines 37-38). The data for a particular
profile can be stored and retrieved by users (column 28, lines 31-37) for the purpose of

dispute prevention. The data can also be used for dispute resolution (column 4, lines 55-58)

5.   Although Israel teaches a system that guides the user the process, Israel did not explicitly teach a system in which another user provides guidance/management or support to a dispute resolution system. However, Landry et al. describe an invention that relates to alternative dispute resolution ("ADR") services and, in particular, to a computer-implemented system and method of providing online dispute resolution ("ODR") services over a computer network. Landry describes a system in which a clerk monitors the system processes using monitoring service; this service enables the Clerk to verify the validity of the Arbitration/Mediation Clause (discussed below), and to generally provide support to parties during ODR processes (e.g., providing assistance in completing and submitting electronic forms. The Clerk accepts the registration of mediators and arbitrators 128 into the ODR System 60 using the arbitrator/mediator enrollment service (par. 30). The clerk, as described by Landry, performs the similar functions to the case manager described in the claimed invention.

6.   Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that would employ a method/system in which another user provides guidance/management or support to a dispute resolution system. It would have been obvious to do so because it would provide the added benefit of having a human agent providing support and assistance to online system, which sometimes highly desirable by users of online or Internet systems.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   Claims 13-14, 72-73 and 131-132 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Israel et al. (US 6,766,307 B1) and Landry et al. (U.S 20030014265), in view

of Murray et al. (U.S 5,023,851).

9.   As per claims 13-14, 72-73 and 131-132, Israel et al. discloses a dispute resolution

management method/system that can:

   BB.   Receive dispute resolution management request from users (column 2, line 44)

   CC.   Provide the options/features of the dispute resolution management from users

   (column 3, lines 26-30)

   DD.   Manage the dispute resolution management techniques/process (column 5, lines

   59-63)

   EE. Receive indication of a selected neutral or third party i.e., mediator or arbitrator (column

   19, lines 2-8)

   FF. Allow third parties to facilitate the dispute management process (column 19, lines 16-17)

10.   Israel and Landry did not explicitly describe a method/system in which the availability

and selection of third party mediators/arbitrators is based on an on-line calendar. However,

Murray et al describes a method for presenting electronic calendar information in an interactive

information handling system, which employs a calendar program for displaying events and time

slots available for the next event (column 9, lines 6-10). Therefore, it would have been obvious

for one of ordinary skill in the art at the time of the applicant's invention to construct a system

that would utilize an on-line calendar for the availability of mediators/arbitrators. It would have

been obvious to one of ordinary skill in the art at the time of the applicant's invention to

implement an on-line, in order to minimize scheduling conflicts.

Response to Arguments

11. The United States Patent and Trademark Office has fully considered the applicant's

arguments filed on 30 April 2008, but has not found those arguments to be persuasive.

Argument 1: Prior Art does not teach the aspects of a dispute resolution system with a

case manager

Response 1: Applicant's argument centers around whether the prior art teaches the aspect

of a case manager. Before looking into the prior art for the aspect of a case manager, a common

ground definition of a case manager must be ascertained. Firstly, applicant concedes that in a

conventional mediation or arbitration process, however inefficient it may be, the entities

involved are a claimant, a respondent, and a case manager (published application paragraph 4).

Thus admittedly, prior to online or electronic resolution system, the aspect of a case manager

existed in a convention mediation/arbitration processes.

Additionally, paragraph 13 of applicant's published specification describes a case manager as someone who may assist in guiding the disputing parties through a dispute resolution process.

Applicant's invention appears to be about online dispute resolution system, but maintaining some of the characteristics of a conventional system by having a case manager as separate user. In Israel, the system does the assisting in guiding the disputing parties through the dispute resolution process. In Israel there a program manager, which has tasks such as, for example and not limited hereby, adding users, modifying existing user data, transferring active cases from one user to another, activating users, modifying account registration data, browsing all disputes, generating detailed dispute reports, generating summary reports of disputes, browsing dispute resolution cases, as well as other actions which are used by a manager of non-judicial dispute resolutions, and any combination of one or more of the foregoing (col. 3, lines 13-24). The program manager interacts with management module (col. 12, lines 7-15). The management module (a self-contained component that can provide a complete function to a system and can be interchanged with other modules that provides similar functions) is configured to transmit notices to each party to a dispute regarding a change in the status of the dispute, the input of additional data in relation to the dispute, the results of a query of the data contained within management module, or any other information relating to the dispute and/or for transmitting the dispute resolution data to the appropriate entity for mediation and/or arbitration (col.10, lines 13-20), in other words, managing the dispute resolution process.

12.   Furthermore, Israel did not discourage the aspect of having a system in which another user provides guidance/management or support to a dispute resolution system.

13.   Landry describes an invention that relates to alternative dispute resolution ("ADR")

services and, in particular, to a computer-implemented system and method of providing online

dispute resolution ("ODR") services over a computer network. Landry describes a system in

which a clerk monitors the system processes using monitoring service; this service enables the

Clerk to verify the validity of the Arbitration/Mediation Clause (discussed below), and to

generally provide support to parties during ODR processes (e.g., providing assistance in

completing and submitting electronic forms. The Clerk accepts the registration of mediators and

arbitrators 128 into the ODR System 60 using the arbitrator/mediator enrollment service (par.

30). The clerk, as described by Landry, performs the similar functions to the case manager

described in the claimed invention.

        The PTO respectfully disagrees with applicant's assertion that the clerk in Landry does

not select a neutral party. The Clerk by Landry makes a decision on accepting mediators and

arbitrators (neutrals) into the system and enrolling these entities into the system (par. 30).

Therefore, the Clerk is very much involved in the selection process of neutrals into the system.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Any new ground(s) of rejection is due to the

     applicant's amendment. Applicant is reminded of the extension of time policy as set forth in

     37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS

     from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action is not mailed until after the end

of the THREE-MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EVENS J. AUGUSTIN whose telephone number is 571-272-

6860. The examiner can normally be reached on 10am - 6pm M-F.

17.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Fischer can be reached on (571)272-6779.

/Evens J. Augustin/
Evens J. Augustin
August 11, 2008
Art Unit 3621

COPY OF NOTICE OF APPEAL AND PRE-APPEAL BRIEF
REQUEST FOR REVIEW FILED FEBRUARY 9, 2009

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) AAA-003	

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450"[37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	In re Application of William K. Slate II	
	Application Number 09/990,402	Filed November 21, 2001
	For ELECTRONIC SYSTEMS AND METHODS FOR DISPUTE MANAGEMENT	
	Art Unit 3621	Examiner Evens J. Augustin

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20 (b)(1)) $540.00 _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced
    by half, and the resulting fee is: $ 270.00 _____

☐ A check in the amount of the fee is enclosed,

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment
    to Deposit Account No. 061075.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

    **WARNING: Information on this form may become public. Credit card information should not
    be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
    (Form PTO/SB/96)

☒ attorney or agent of record.
    Registration number 54,026

☐ attorney or agent acting under 37 CFR 1.34.
    Registration number if acting under 37 CFR 1.34. _____

/Michael J. Chasan/
Signature

Michael J. Chasan
Typed or printed name

(212) 596-9000
Telephone number

February 9, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

American LegalNet, Inc.
www.FormsWorkflow.com

Doc Code: AP.PRE.REQ

PTO/SB/33 (12-08)
Approved for use through 01/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

	Docket Number (Optional) AAA-003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature_____ Typed or printed name _____	Application Number 09/990,402	Filed November 21, 2001
	First Named Inventor William K. Slate II	
	Art Unit 3621	Examiner Evens J. Augustin

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
      Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. 54,026
Registration number _____.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

/Michael J. Chasan/
_____
               Signature

Michael J. Chasan
_____
       Typed or printed name

(212) 596-9000
_____
       Telephone number

February 9, 2009
_____
           Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

CONCISE ARGUMENT FOR WHICH REVIEW IS BEING REQUESTED

Summary of Office Action

Claims 1, 2, 4-30, 32-44, 60, 61, 63-89, 91-103, 119, 120, 122-148, 150-162 are pending in the application.*

The Examiner has finally rejected claims 1, 2, 4-12, 15-30, 32-44, 60, 61, 63 71, 74-89, 91-103, 119, 120, 122-130, and 133-162 under 35 U.S.C. § 103(a) as being obvious over Israel et al. U.S. Patent 6,766,307 in view of Landry U.S. Patent Publication No. 2003/0014265. Claims 13, 14, 72, 73, 131, and 132 have been finally rejected under 35 U.S.C. § 103(a) as being obvious over Israel in view of Landry and in further view of Murray et al. U.S. Patent 5,023,851.

Applicants' Invention

Applicants' invention, as defined by the pending claims, is a method and systems for dispute management using a dispute management application. In accordance with the invention, there are four different types of users that access the dispute management application: a user that files a claim, a party against whom the user files the claims, a case manager user, and a neutral. The case manager is a assigned to manage the dispute management process after the user files the claim against the party by guiding the user and the party through the dispute resolution process. The case manager is notified of the assignment and is provided with a plurality of dispute management features including the ability to select a neutral to facilitate the dispute resolution process. The selected

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* The Office Action incorrectly identifies claims 3, 31, 62, 90, 121, and 149 as pending. However, these claims were cancelled in the Reply to Office Action dated May 12, 2005. Similarly, claims 13, 14, 72, 73, 131, and 132 are omitted from the listing of pending claims. However, these claims are pending as originally filed.

neutral is allowed to facilitate the dispute resolution
process between the user and the party.

The Israel Reference

Israel refers to a non-judicial dispute resolution
management system. Israel's system has three types of users:
program users, program managers, and administrative personnel.
Program managers and program users are both individuals at a
company who are responsible for maintaining accounts with and
managing disputes using the dispute resolution management
system on behalf of the company. The program manager may
manage the program user or may be the same individual as the
program user. Administrative personnel administer the dispute
resolution management system, but are not substantively
involved in dispute resolution process. *See* Israel, col. 3,
ll. 11-50 and col. 11, ll. 40-59.

The Landry Reference

Landry refers to an online dispute resolution system
that has three types of users: the disputing parties
(consumers and merchants), neutrals (arbitrators and
mediators), and an system clerk. The system clerk is an
administrative user that administers the system and monitors
the system processes. *See* Landry, par. 30.

Clear Error in the Rejection

To make out a *prima facie* case of obviousness, the
cited references must teach or suggest all the claim
limitations of the rejected claim. MPEP § 2143. As
applicants have argued in their previous replies, taken alone
or in combination neither Israel nor Landry teaches or
suggests a case manager user having all of the features
recited by the current claims.

The Examiner contends that both the program manager
of Israel and the system clerk of Landry are equivalent to
applicants' claim manager and that in combination these two
references show all of the elements of applicants' claims.

However, as applicants have previously argued,
Israel's program manager and Landry's clerk are not equivalent
to applicants' claim manager. Most specifically, applicants
have demonstrated that neither Israel's program manager nor
Landry's system clerk show or suggest selecting a neutral to
facilitate dispute resolution between a user and another
party.

In the final Office Action, the Examiner disagreed
with applicants' position that Landry does not select a
neutral party. The Examiner argued that the system clerk
"makes a decision on accepting mediators and arbitrators
(neutrals) into the system and enrolling these entities into
the system." Office Action, p. 11. The Examiner then
concluded that the system clerk "is very much involved in the
selection process of neutrals into the system." *Id.* (emphasis
added). However, enrolling or selecting neutrals "into the
system", is not the same as selecting a neutral to facilitate
dispute resolution between a user and another party.

Landry's system clerk initially screens and enrolls
the mediators that will be used by the system. However, after
this enrollment, the actual selection of mediators for a
particular case is performed automatically by the ODR System
Program and not by the system clerk. *See* Landry,
paragraphs 61 and 62. Accordingly, Landry's clerk does not
select a neutral for facilitating the dispute resolution
process between the user and the party, as specified by
applicants' claims.

Israel's program manager also does not select a
neutral for facilitating the dispute resolution process
between the user and the party. The program manager in a
dispute represents the same party as the program user (i.e.,

3

they are the same individual or from the same company). It is
clear that Israel's program manager cannot perform the role of
applicants' case manager to guide adverse parties of a dispute
through the process. Furthermore, because the program manager
is a representative of one of the parties to the dispute, the
program manager would not be allowed to select a neutral.

   Therefore, Israel and Landry do not show or suggest
a case manager that is allowed to select a neutral for
facilitating the dispute resolution process between the user
and the party, as specified by applicants' claims.
Accordingly, even if the combination of Israel and Landry were
proper, this combination still does not show or suggest all of
the features of applicants' claims. That is clear error.

Conclusion

   For the reasons set forth above, applicants
respectfully submit that this application is in condition for
allowance.

   Panel review of the rejections based on Israel and
Landry, and prompt allowance of this application, are
respectfully requested.

          Respectfully submitted,

          /Michael J. Chasan/
          _____
          Michael J. Chasan
          Reg. No. 54,026
          Attorney for Applicants
          Customer No. 1473

COPY OF NOTICE OF PATENT DECISION FROM PRE-APPEAL
BRIEF REVIEW DATED MARCH 19, 2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,402	11/21/2001	William K. Slate II	AAA-003	3669

1473   7590   03/19/2009
ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

EXAMINER
AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
03/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application/Control No.	Applicant(s)/Patent under Reexamination
Application Number	09/990,402	SLATE ET AL.
[barcode]		**Art Unit**	
	Evens Augustin	3621	

Document Code - AP.PRE.DEC

Notice of Panel Decision from Pre-Appeal Brief Review

[barcode]

This is in response to the Pre-Appeal Brief Request for Review filed <u>2/9/09</u>.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
☐ The request does not include reasons why a review is appropriate.
☐ A proposed amendment is included with the Pre-Appeal Brief request.
☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: .
Claim(s) objected to: .
Claim(s) rejected: <u>1-12, 15-44, 47-103, 119-</u>.
Claim(s) withdrawn from consideration: .

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) <u>/Andrew J. Fischer/</u>.

(2) <u>/Calvin Hewitt/</u>.

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(4)_____.

COPY OF THE REPLY TO FINAL OFFICE ACTION
FILED September 21, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : William K. Slate II et al.

Application No. : 09/990,402   Confirmation No. : 3669

Filed : November 21, 2001

For : ELECTRONIC SYSTEMS AND METHODS FOR DISPUTE
MANAGEMENT

Art Unit : 3621

Examiner : Evens Augustin

New York, New York 10036
September 21, 2009

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY TO FINAL OFFICE ACTION

Sir:

In reply to the final Office Action dated
August 7, 2008, applicants hereby request reconsideration
in view of the following:

Remarks begin on page 2 of this Reply to Office
Action.

Remarks

Summary of the Office Action

Claims 1, 2, 4-30, 32-44, 60, 61, 63-89, 91-103, 119, 120, 122-148, and 150-162 are pending in this application.[*]

Claims 1, 2, 4-12, 15-30, 32-44, 60, 61, 63-71, 74-89, 91-103, 119, 120, 122-130, 133-148, and 150-162 are rejected under 35 U.S.C. § 103(a) as being obvious over Israel et al. U.S. Patent No. 6,766,307 (hereinafter "Israel") in view of Landry et al. U.S. Patent Application Publication No. 2003/0014265 (hereinafter "Landry").

Claims 13, 14, 72, 73, 131, and 132 are rejected under 35 U.S.C. § 103(a) as being obvious over Israel in view of Landry and in further view of Murray et al. U.S. Patent No. 5,023,851 (hereinafter "Murray").

Applicants' Reply

Applicants' invention, as defined by the pending claims, is a method and systems for dispute management using a dispute management application. In accordance with the invention, there are four different types of users that access the dispute management application: a user that files a claim, a party against whom the user files the claims, a case manager user, and a neutral. The case manager is a assigned to manage the dispute management process after the user files the claim against the party by

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[*] The Office Action incorrectly identifies claims 3, 31, 62, 90, 121, and 149 as pending. However, these claims were cancelled in the Reply to Office Action dated May 12, 2005. Similarly, claims 13, 14, 72, 73, 131, and 132 are omitted from the listing of pending claims. However, these claims are pending as originally filed.

guiding the user and the party through the dispute
resolution process. The case manager is notified of the
assignment and is provided with a plurality of dispute
management features including the ability to select a
neutral to facilitate the dispute resolution process. The
selected neutral is allowed to facilitate the dispute
resolution process between the user and the party.

The Israel Reference

Israel refers to a non-judicial dispute
resolution management system. Israel's system has three
types of users: program users, program managers, and
administrative personnel. Program managers and program
users are both individuals at a company who are responsible
for maintaining accounts with and managing disputes using
the dispute resolution management system on behalf of the
company. The program manager may manage the program user
or may be the same individual as the program user.
Administrative personnel administer the dispute resolution
management system, but are not substantively involved in
dispute resolution process. *See* Israel, col. 3, ll. 11-50
and col. 11, ll. 40-59.

The Landry Reference

Landry refers to an online dispute resolution
system that has three types of users: the disputing parties
(consumers and merchants), neutrals (arbitrators and
mediators), and an system clerk. The system clerk is an
administrative user that administers the system and
monitors the system processes. *See* Landry, par. 30.

To make out a *prima facie* case of obviousness,
the cited references must teach or suggest all the claim
limitations of the rejected claim. MPEP § 2143. As
applicants have argued in their previous replies, taken
alone or in combination neither Israel nor Landry teaches

or suggests a case manager user having all of the features recited by the current claims.

The Examiner contends that both the program manager of Israel and the system clerk of Landry are equivalent to applicants' claim manager and that in combination these two references show all of the elements of applicants' claims.

However, as applicants have previously argued, Israel's program manager and Landry's clerk are not equivalent to applicants' claim manager. Most specifically, applicants have demonstrated that neither Israel's program manager nor Landry's system clerk show or suggest selecting a neutral to facilitate dispute resolution between a user and another party.

In the final Office Action, the Examiner disagreed with applicants' position that Landry does not select a neutral party. The Examiner argued that the system clerk "makes a decision on accepting mediators and arbitrators (neutrals) into the system and enrolling these entities into the system." Office Action, p. 11. The Examiner then concluded that the system clerk "is very much involved in the selection process of neutrals into the system." *Id.* (emphasis added). However, enrolling or selecting neutrals "into the system", is not the same as selecting a neutral to facilitate dispute resolution between a user and another party.

Landry's system clerk initially screens and enrolls the mediators that will be used by the system. However, after this enrollment, the actual selection of mediators for a particular case is performed automatically by the ODR System Program and not by the system clerk. *See* Landry, paragraphs 61 and 62. Accordingly, Landry's clerk does not select a neutral for facilitating the dispute resolution process between the user and the party, as specified by applicants' claims.

Israel's program manager also does not select a neutral for facilitating the dispute resolution process between the user and the party. The program manager in a dispute represents the same party as the program user (i.e., they are the same individual or from the same company). It is clear that Israel's program manager cannot perform the role of applicants' case manager to guide adverse parties of a dispute through the process. Furthermore, because the program manager is a representative of one of the parties to the dispute, the program manager would not be allowed to select a neutral.

Therefore, Israel and Landry do not show or suggest a case manager that is allowed to select a neutral for facilitating the dispute resolution process between the user and the party, as specified by applicants' claims. Accordingly, even if the combination of Israel and Landry were proper, this combination still does not show or suggest all of the features of applicants' claims. Thus, applicants respectfully submit that the Examiner's rejections should be withdrawn.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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(x.) Related Proceedings Appendix

None.